CITY OF REDMOND
CITY RECORDER’S OFFICE
COUNCIL

ORIENTATION CHECK LIST

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NEW CITY COUNCILOR BASICS

1. Monthly Council Calendar prepared at the end of each month for subsequent month. This calendar can be located on the City’s website at the following link and is updated when new information is available: http://www.ci.redmond.or.us/internet/index.php?option=com_content&task=view&id=237&Itemid=298.

2. Meetings – quorum is required in order to make a decision or to deliberate toward a decision on any matter:
   a. Quorum of the Council is four (4) or more members and where there are four (4) or more gathered it is a meeting and notice is to be given, except for:
      i. On-site inspection on any project or program
      ii. Gathering of any national, regional, or state association to which the public body or its members belong
      iii. Purely social gatherings
   b. The types of meetings include regular, special, emergency meetings, and workshops (used to provide information, but not to make decisions)
   c. Shall attend meetings unless excused
   d. Agendas should be followed as closely as possible for a smooth flowing meeting
   e. Speak clearly and directly into the microphone so all of the audience can hear you
   f. Votes are recorded in the minutes; yes; no; absent; abstention
   g. Declare all conflicts of interest
   h. Presiding officer may speak on all questions. In case of appeals, presiding officer shall have the last right of debate and shall state the question as “Shall the decision of the presiding officer be upheld?”
   i. Audio recordings are kept of all meetings and video tapes (from COTV) kept of regular meeting for period of five (5) years; Executive Session recordings are permanent since the minutes are not transcribed
      i. All meeting recordings can be listened to with the exception of Executive Session in which case only those in attendance of the Executive Session can listen to the recording.
3. Basic Parliamentary procedure for a motion:

4. Executive Session:
   a. Only certain types of discussion can be held by ORS (outlined in LOC Handbook)
   b. Other than the Council, City Attorney, City Manager, City Recorder, and media, attendance of others is on a “need to be there” basis only.
   c. Presiding officer must make Executive Session statement prior to entering into Executive Session.
   d. Media can attend but cannot print what transpires. If discussion wanders into issues outside the limited scope of Executive Session, they could print details.
   e. If a Councilor talks to the media outside of the meeting regarding an Executive Session item, the media can print all details. That topic will no longer be covered by Executive Session privilege.
   f. If you have a conflict of interest, that should be declared during the Executive Session.
   g. Materials discussed are confidential and only available to those in attendance – they will be printed on color paper, distributed at the meeting, and returned to the City Recorder after the meeting for shredding.
   h. No action can be taken on Executive Session; motions are voted on in open session
   i. Written motions are helpful and eliminates the possibility of errors

5. Consent Agenda:
   a. Used to handle routine matters and are enacted by one motion; however, Council can ask to have an item withdrawn and addressed separately
   b. Used as a time saver

6. Ordinances (see Redmond Rules for Ordinance Enactment):
   a. Copies posted at City Hall prior to meeting to allow voting by title only
   b. Generally adopted by a motion to have reading of title only – title must be read twice – can be one motion; City Attorney reads ordinance by title only
   c. Motion to approve ordinance is by roll call vote
d. Ordinances take effect after 30 days unless approved with an emergency clause

7. Resolutions:
   a. Can be approved on Consent Agenda or by separate action
   b. Resolutions take effect immediately

8. Declaring a Conflict of Interest: actual or potential
   a. Declare and state reason why – this has to be on record and in the minutes
   b. In actual, abstain from discussion and vote – may vote where necessary to achieve a quorum
   c. Some cases may require stepping down from platform or even leaving the room
   d. Council acts as the hearings board for land use actions 0 need to be mindful of ex parte contacts: track and declare.

9. Statement of Economic Interest – annual report due April 15 - $1,000 fine if note submitted

   a. What they are:
      i. Something of value that an official accepts and for which the official does not pay back equal value.
      ii. The waiving of a debt, as well as the giving of some object or service.
      iii. Something received by an official that is not available to the general public for the same price or conditions.
      iv. Items or services given to public officials’ relatives are also considered gifts for the purposes of the statues.
   b. What they are not:
      i. Campaign contributions
      ii. Gifts from relatives
      iii. Gifts totaling less than $100 in value during the calendar year from people or organizations with an administrative or legislative interest in the City of Redmond.
      iv. Food, lodging, and travel for a public official associated with an appearance at an event related to the Council.
      v. Food and beverage, when consumed by the public official or their relative in the presence of the purchaser or provider – no limitation
      vi. Entertainment, experienced by the official or relative in the presence of the purchaser or provider, up to $100 per person on a single occasion and not totaling more than $250 per person per year.
vii. Public officials and their relatives may accept gifts of any amount from individuals with no administrative or legislative interest in the City of Redmond.

c. You need to make every effort to determine the value of any gift(s) and then track the values of the gifts received.

11. Public Records:

a. Defined in ORS 192.005 as, “…a document, book, paper, photograph, file, sound recording, machine readable electronic record, or other material such as court files, mortgage, and deed records regardless of physical form or characteristics, made, received, filed, or recorded in pursuance of law or in connection with the transaction of public business, whether or not confidential or restricted in use. ‘Public records’ include correspondence, public records made by photocopying, and public writings but does not include: a. records of the legislative assembly, its committees, officers and employees; b. library and museum materials made or acquired or preserved solely for reference or exhibition purposes; c. records or information concerning the location of archaeological sites or objects as those terms are defined in ORS 358.905; d. extra copies of a document, preserved only for the convenience of reference; and e. a stock of publications.”

b. Records Council receives may be a record copy, such as direct mail or e-mail they receive; records coming from the City are generally a copy and can be destroyed without approval.

   i. Provide City staff with a copy of records for retention purposes

c. Record copy documents must be authorized before being destroyed – illegal destruction is a punishable crime

d. City Recorder’s office is happy to recycle documents

12. Hard copies of City Code are available at City Hall and the Redmond Library.

   Chapters 1-7 and 9 (City Recorder updates) can be located on the City’s website at http://www.ci.redmond.or.us/internet/index.php?option=com_content&task=view&id=187&Itemid=301;

   Chapter 8 (CDD updates) can be located at http://www.ci.redmond.or.us/internet/index.php?option=com_content&task=view&id=68&Itemid=221.

   All City Code must be changed by ordinance.

13. League of Oregon Cities (LOC):

   a. LOC Annual Conference held in September

      i. End of June begin notification of conference. Conference alternates between Portland, Eugene, and Bend.
ii. Significant others can attend but by law the City cannot pay their expenses.
iii. Typically there is a dinner for the Central Oregon Cities Organization – host obligation rotates
iv. After the conference, staff will balance out expenses – travel, meals, significant others, etc.

b. Municipal information resource, web page, insurance pooling, legislative arm, monthly newsletter, regional meetings held such as for newly elected officials

14. Public Building Corporation: corporation, arm of the City of Redmond

15. Scrapbook, Mayor and Council picture book, pictures for entry, policies and procedures book, research items (Resolution and Ordinance index, minutes, etc.) are available in the City Recorder’s office.

16. Other:

   a. Business cards – ordered through the City Manager’s office
   b. Council mail boxes outside City Manager’s office; if you need us to mail the boxes contents, please call us.
   c. Verbiage/Language – Gender neutral, non-ethnic/sensitive comments

17. Packet prep and training of electronic packet process

   a. Collection documents from departments
   b. Collate and integrate into Adobe Acrobat
   c. Place on City’s website at http://www.ci.redmond.or.us/internet/index.php?option=com_content&task=view&id=224&Itemid=289
   d. Questions regarding packet info can be answered either by contacting department head prior to or at the workshop prior to the meeting.
   e. Executive Session materials are handed out at the meeting and then collected after the meeting.
1. **Make clear, precise, professional motions.** It is important to remember that, in most cases, your motion will be directing some type of action to be taken. Therefore, the wording for a motion should be clear and concise. Take a minute before the meeting or during the discussion to write down your motion. If you simply say “so MOVED”, the type of action that you want accomplished by your motion may not be clear. Keep in mind that if you cannot repeat your motion, there is a good chance that your City Recorder cannot either. If you are not comfortable with the wording of motions, ask your City Recorder to give you some samples.

2. **Read your Council packets before the meeting.** It is vitally important that you read and review the materials in your Council packet in advance of the meeting. This will give you a sense of the potential impacts recommended actions could have and understand the issued surrounding those actions. Understanding the background of an issue will allow you to better represent your community and help you make informed, reasonable decisions that you will feel comfortable defending if you are challenged by a community member. If a Councilor is ill prepared it is usually obvious to those observing the meeting, including the press.

3. **If you have detailed, technical questions regarding a matter on the agenda, as the Mayor, City Manager, or responsible staff person BEFORE the meeting.** Staff deals with a variety of issues, and often your question may need some time and research in order to provide a clear and thorough response. If you ask your questions during the meeting, staff may not have the resources available to respond or respond with enough information that could be critical to your decision. We all know how uncomfortable it is to be put on the spot at a public meeting and not be able to respond in a professional and thorough manner. It makes both staff and Council look unprepared by failing to do their “homework” prior to the meeting.

4. **Remember the “Golden Rule” – treat others on the Council, staff, the citizens, and the media with courtesy and respect.** Courtesy and respect create an atmosphere of mutual trust and cooperation between the various parties that interact. When a citizen complains about something, remember that there is always another side to the story, another perspective. Wait to make a judgment until you have all the facts. Be clear that you are listening to a complaint, but also clear that you are only one person and decisions are made by the Council as a team.

5. **Be the professional that people expect.** Keep in mid that you where elected by the citizens to represent the best interests of the community. Remember that people are watching you and your performance; those who support you expect the best and those who oppose you are looking for you to enforce what they already believe. Remember that it is inappropriate to campaign at Council meeting and giving an unreasonable amount of time and attention to a “pet” project may be seen as “grandstanding.” Be cognizant of your appearance and always dress appropriately for the meeting or event, since you are representing the whole community.
6. **When abstaining or voting “no” on a recommendation from staff, state the reason.** When you find it necessary to abstain or vote “no” on an issue, please make your reasons clear so staff will understand your response to their recommendation and it will be clear in the record. Note that abstaining from voting when you do not have a conflict of interest is actually not doing the job that you were elected to do since you are the decision-makers of the City.

7. **Keep Executive Session materials and discussions confidential, and keep such discussions to the point being discussed.** There are specific situations where an Executive Session is allowed and required in order for the City to manage City business. Disclosing information discussed in Executive Session may compromise your ability to make a sound, fiscally prudent, and defensible in-court decision. Executive Sessions may not be used to discuss things that must be discussed in public. These sessions cannot be used to simply avoid discussing sensitive issues in public. Most important here is that disclosing Executive Session materials and/or discussing non-Executive Session matters while in Executive Session are both violations of the Public Meetings Laws in Oregon.

8. **Become familiar with the basic duties of your office, your powers and limitations, simple parliamentary procedures, your Council Rules of Procedure, ethics requirements, and the Public Meetings and Records Laws.** As an elected official the public expects you to be informed in order to better represent them. Understanding the importance of your role as an elected official will enable your entire Council “team” to make clear and objective decisions. Council’s role is to set policy and not to micro-manage the day-to-day operations of the City. It can be helpful to remind constituents that you are just one member of the whole Council and must work for consensus on various issues. Frustrations and “unrest” among the citizens can be reduced by not making promises that might no be possible.

9. **Get to know the responsibilities and functions of the various City departments.** Ask your City Manager to assist you in becoming familiar with the various departments so you can gain a better understanding of the processes and procedures being followed by your staff. This will help you make better decisions related to the budget, citizen requests, Council goals, and requests from the departments.

10. **Let staff know when you are going to be absent from a meeting and if you will be out of town.** This will allow for better scheduling of agenda items that need to be addressed by the full Council and coordination of information to you and the other Councilors.
All ordinances adopted by the Redmond City Council take effect 30 days after adoption unless a later date is included in the ordinance or there is an emergency clause making it effective immediately. By Charter, an ordinance may be read by title only and adopted at one meeting if the ordinance is posted at City Hall and two other locations and three copies are available in the City Recorder's office not later than one week prior to the meeting. However, the ordinance must be approved by unanimous vote of all Councilors present.

In a legal opinion prepared January 15, 1999, the City Attorney summarized Section 31, Ordinances, Mode of Enactment, of the Redmond City Charter as:

“Paragraph 1 states that before being passed, every ordinance shall be read fully and distinctly in open council meetings on two different days except as the second and third paragraphs of Section 31 provide to the contrary.

Paragraph 2 states that, by unanimous vote of all council members, an ordinance may be enacted at a single meeting of the council by unanimous vote of all council members present upon being read first in full and then by title.

The third paragraph of Section 31 states that any of the readings may be by title only if no council member present at the meeting requests to have the ordinance read in full or if a copy of the ordinance is provided for each council member and three copies are provided for public inspection in the office of the city recorder not later than one week before the first reading of the ordinance and if notice of their availability is given forthwith upon the filing by written notice posted at city hall and two other public places in the city or by advertisement in the newspaper of general circulation in the city.”

It is the City Recorder’s practice to follow the procedure below to provide the Council the opportunity to enact ordinances at a single meeting and to read the ordinances by title only, subject to unanimous vote of all Council members present:

1. Provide a copy of the ordinance to each Council member in their Council packet materials,
2. Have three copies of the ordinance available for public inspection in the office of the City recorder not later than one week before the first reading of the ordinance, and
3. Post written notice at City Hall and at least two other public places in the City that the ordinance is available.

Should the vote not be unanimous, a subsequent reading and vote is to take place at a second meeting.

Basic steps for voting under this scenario:

1. Motion and a second for first, or first and second reading, of ordinance, by title only
2. Discussion if needed
3. Vote taken
4. City Attorney reads first, or first and second reading, of ordinance by title only
5. Motion and a second to adopt ordinance (see recommended motion in staff report)
6. Discussion if needed
7. Roll call vote taken by City Recorder
8. Presiding officer states the results of the vote.
PUBLIC RECORDS

A public record, ORS 192.410(4), is "any writing containing information relating to the conduct of the public's business, which is prepared, owned, used or retained by a public body regardless of physical form or characteristics." The scope of the definition is broad and relates to records prepared by, to, or for the public body in the transmission of the public's business. All such records are the property of the public body.

Public records are also subject to disclosure, unless considered exempt. The custodian of public records is required by law to provide "proper and reasonable opportunities for inspection and examination of the public records during usual business hours.” Oregon’s law is based on the theory that all citizens have a right to know what the government is doing and have access to those records. The law is primarily a disclosure law, not a confidentiality law, and most exemptions are conditional. Even though some records are considered exempt, many are conditional exempt. The guiding principle is: Exemptions do not prohibit disclosure. The applicability of most exemptions depends on a case-by-case balancing of competing public interests, weighted in favor of disclosure.

City records are retained based on OAR 166-200, the "City Records Retention Schedule," which determines if, or when, the records can be destroyed. When acting within an official capacity and creating records, or receiving records from others, those records are considered a public record and are to be managed accordingly. The records are to be provided to the City Recorder’s office for retention purposes. Records received from City staff would only be a copy, to retain as needed, and staff would retain what is referred to as the “record copy” for retention purposes.

Electronic records are increasingly used as the sole means of documenting public agencies’ activities. As such, they are often the only evidence available in court cases involving public agencies. The keys to using electronic records as evidence in court are identifying what constitutes an electronic record and verifying the authenticity of the electronic record.

If you have any questions, please contact the City Recorder's office.
Requests for records of the City of Redmond must be made under the Oregon Public Records Law. The City may require the records request to be in writing. This assists in identifying the records requested. It also establishes the reason the City released the record, if releasing the record results in a legal challenge.

Oregon law states that every person has a right to inspect any non-exempt public record. ORS 192.410(4) defines a “public record” as any writing containing information relating to the conduct of the public’s business, including but not limited to court records, mortgages, and deed records, prepared, owned, used or retained by a public body regardless of physical form or characteristic. ORS 192.410(6) defines “writing” as handwriting, typewriting, printing, photographing and every means of recording, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, files, facsimiles or electronic recordings.

The City’s custodian of public records will provide proper and reasonable opportunities for inspection and examination of the records in the office of the custodian during usual business hours to persons seeking access to public records within a reasonable period of time. The amount of time that is reasonable will depend upon the volume of records requested, the staff available to respond to the records request and the difficulty in determining whether any of the records are exempt from disclosure.

The City’s records custodian will certify that the copy provided is a true copy, if requested to do so.

If the public record is maintained in a machine readable or electronic form, the custodian shall provide copies of the public record in the form requested, if available. If the public record is not available in the form requested, it shall be made available in the form in which it is maintained.

If there is doubt that the records requested for inspection are not clearly within the definition of “public record”, or are exempt records, the request may be referred to the city’s attorney for review and recommendation.

**WRITTEN REQUESTS:** All requests to inspect a public record should be in writing, when possible, via a Public Records Request Form. Requests shall provide sufficient descriptive information to enable staff to identify and locate the records requested.

**FEES:** The fees set out below and adopted by the City Council are reasonably calculated to reimburse the City for its actual cost in making such records available, including the cost of compiling or tailoring such record, either in organization or media, to meet the person’s request. The City may estimate charges for responding to a records request and may require prepayment of the estimated charges before acting on the request.

**E-Mail:** There is no charge, at this time, for electronic versions of documents.

**Fax:** $1 per page

**Hard Copy:** $.25 per page
Tape Recording: $17 per tape

Staff Time: Copies of documents provided by a routine file search will be charged at the copy rate only. Actual staff time will be added if the request is of an extraordinary nature and would significantly disrupt the regular discharge of duties of a staff person or if the request involves more than fifteen minutes of staff time for identification and location of the requested records. This rate will be determined based on the hourly wage/benefits of the staff involved. The requestor will be notified if the cost is estimated to exceed $25.00. Fees for City Attorney time will be charged at $130.00 per hour.

Payments: Fees will be collected by the Finance Department at the time of or prior to delivery of the records. Receipts will be provided.

Pre-Payment: Staff will estimate charges for responding to a records request and require pre-payment of the estimated charges before acting on a request. This is advisable as requests may require extensive staff time to locate or process records. If the actual charges are less than the pre-payment, any over-payment must be promptly refunded.

Waiving/Reducing Fees:
The City may furnish copies without charge or at a substantially reduced fee if it is determined that the waiver or reduction of fees is in the public interest because making the record available primarily benefits the general public.

Any requests for fee waivers or reductions must be made in writing and referred to the appropriate department director for consideration.

Copies of routine materials requested by the news media will be made without charge; any extraordinary request will be charged according to this regulation.

Copies of routine materials requested by any Redmond elected official or advisory committee member will be furnished without charge if the request relates to information needed in their official capacity.

Copies of routine materials personal to a requestor will be furnished without charge except for police reports. Any extraordinary request will be charged according to this regulation.
PUBLIC RECORDS REQUEST FORM

TO: __________________________________________ Date: ________________
(Person in charge of record and department)

I request inspection/copies of the following records in your office:
(circle one)

________________________________________________________________________________________
________________________________________________________________________________________
________________________________________________________________________________________

If any material contained in this request is exempt from disclosure, I understand you will provide the name of the document and the reason for the exemption.

(Name of Requestor) ______________________________
(Address of Requestor) ______________________________
(Daytime Phone Number) ______________________________
(Signature of Requestor) ______________________________

(To be completed by receiving department and returned to the City Recorder)

Your request for these records has been approved / denied (circle one).

The request has been **APPROVED** and the following estimated fees will be charged/refunded for costs associated with this public records request:

Number of copies made _____ x $.25/sheet = $ ______________
Number of recording tapes made _____ x $17.00/tape = $ ______________
Number of Fax copies x $1.00/each page = $ ______________
Staff time at $32.69/hour x _____ hours = $ ______________
City Attorney Time at $130.00/hour x _____ hours = $ ______________

Estimated Amount due = $ ______________

The request has been **DENIED** based on ORS __________ as the following records are exempt from disclosure, in whole or in part, for these reasons:

________________________________________________________________________________________
________________________________________________________________________________________
________________________________________________________________________________________

(Custodian Name) ______________________________
(Custodian Title) ______________________________

(Custodian Signature) ______________________________
(Date) ______________________________
CERTIFICATION OF TRUE COPY  
(Hard Copy)

I certify that I have compared the [attached/foregoing] document consisting of _____ page(s) with the original in this office, that I am the custodian, and that the [attached/foregoing] is a true and correct copy.

Redmond, Oregon _____________________________________
(Signature)

____________________, 20____
(Date)    (Name/Title)

(Official Seal, if any)

CERTIFICATION OF TRUE COPY  
(Electronic Copy)

I certify that I have compared the __________________________________________
(Description of record/data) 
contained on the attached _______________________________ with the original in
(Computer disk/tape/whatever) this office, that I am the custodian, and that the attached is a true and correct copy of 
the original. However, because of the nature of the electronic medium on which the 
attached record is provided, I cannot ensure that its contents will not be modified after 
it release from my custody.

Redmond, Oregon _____________________________________
(Signature)

____________________, 20____
(Date)    (Name/Title)

(Official Seal, if any)
E-MAIL AS A PUBLIC RECORD

This document will provide you with additional information and further explanation of public records and electronic records, specifically, e-mail.

First, a public record is defined in ORS 192.410 (4) as any “writing” containing information relating to the conduct of the City's business, which is prepared, owned, used, or retained by the City. The scope of the definition is broad and relates to records prepared by, to, or for the City in the transmission of the City's business. All such records are the property of the City.

Second, a public record which is any “writing” includes all formats such as printed, photographs, electronic, audio tape, and video tape.

Third, under Oregon law, a public record is required to be maintained in accordance with the City Retention Schedule until it has met its minimum retention period.

So, any electronic “writing” which would include e-mail you create and/or receive, relating to the conduct of the City's business, is:

1. A public record; and
2. Is subject to public inspection and examination (unless exempt); and
3. Must be maintained until it has met its minimum retention period; and
4. Requires authorization to destroy those records per ORS 162.305.

Examples:

- An e-mail to the Council from the City Manager's office notifying them that the City Staff Activities report is attached would be considered “Ephemeral Correspondence” and would be retained until read. The record copy of the City Staff Activities, however, is retained by the City Manager's office as per the City Retention Schedule.

- An e-mail between Councilors offering an opinion regarding the appointment of a citizen to a commission would be “General Correspondence” and would be retained for a minimum of one year.

- An e-mail to a state agency requesting general information regarding a project the agency is working on would also be considered “General Correspondence”.

- An e-mail to another agency discussing significant information about a construction project the City is undertaking would be considered “Program Correspondence” and would be retained with the project file records for 10 years after the project's completion.
MEETING TIPS

• The Mayor should be formal enough to command respect, but friendly enough to be approachable.

• Remarks from the Council/Commission or audience should be addressed through the Mayor. Address the Mayor as “Mr. Mayor” and fellow Councilors as “Councilor _____."

• Speak into the microphone and speak up.

• Look at the speaker – even if you have to pretend you are listening and are interested.

• Be sure comments are germane to the motion. Do not wander from the subject.

• Begin a motion with “Mr. Mayor, I move to…” or “Mr. Mayor, I move that…” “So moved” is not a motion. All motions must be “seconded.”

• If amended, there must be a motion to amend, a second, discussion, then a vote on the amendment and then a vote on the first motion.

• The Mayor would then announce the results of the motion by saying “Ordinance 2009-00 was approved to annex the Smith property into the City of Redmond.”

• The maker of a motion may not speak against the motion, but does not have to vote for it.

• If someone starts debate without a second, it is assumed that they have seconded the motion.

• If a member votes yes on an amendment, it does not obligate the member to vote yes on the main motion.

• If a member says “Call for the question” the Mayor/Chair would ask them “Are you moving to close debate?” This requires a 2/3 vote because it takes away the rights of the members for further debate.

• The Mayor should announce the results of each vote.

• Preceding Order of Laws:
  - Ten Commandments
  - Federal
  - State
  - Local
  - Rules of Procedures
  - Parliamentary Order
MEMORANDUM

TO: Mayor and Councilmembers
THROUGH: Jo Anne Sutherland, City Manager
FROM: Nancy Blankenship, City Recorder
DATE: October 24, 2001
SUBJECT: Suggested Motions Used in Staff Reports

REPORT IN BRIEF:

When staff reports are prepared for the council packet, staff is to provide a suggested motion as a guide to assist the council during the meetings when they are taking action. These suggested motions can be modified or adjusted, but they provide the basic framework to cover the points regarding the issue before the council.

BACKGROUND:

City of Redmond staff reports follow an established format for consistency and easier reading. The intent is to provide a format and procedure so that such reports to the council are accurate, complete, understandable and readable, and to assist the Council in research, development of alternatives, and analysis of policy issues. Staff Reports to council serve three primary purposes:

To inform and assist Council members in their decision making
To inform the interested public
To serve as an archival record of Council action taken on a given issue

The department preparing the report shall include recommendations and a suggested motion unless it is an information report.

The suggested motion is a tool for the council to actually make a motion verbatim from what is written in the staff report or change to accommodate their decision. This tool is to help the council present a “best foot forward” in the public realm and cover the bases required of the proposal.
I. POLICY:
Staff Reports to Council shall be prepared in an established format. Reports shall be written for the perspective of the reader and not the writer, with clear and understandable language, complete yet concise.

II. PURPOSE:
This policy is intended to provide the format and procedures for preparation of staff reports to the City Council so that such reports are accurate, complete, understandable and readable, and to assist the Council in research, development of alternatives, and analysis of policy issues. Drafters of reports should bear in mind that Staff Reports to Council serve three primary purposes. The purposes are:
- To inform and assist Council members in their decision making
- To inform the interested public
- To serve as an archival record of Council action taken on a given issue

III. PROCEDURES:
A. Content
As a general rule, Staff Reports to Council should contain the following components:

1. REPORT IN BRIEF
   The Report in Brief should generally not exceed a paragraph in length. It should be succinct. Each report shall begin with an executive summary of the report which should include:
   - A statement of the issue or problem.
   - The recommendation for action.

2. BACKGROUND
   This section should contain an informative narrative of the background of the problem or issue being addressed, including the relevant history, current situation and reference to formal policy or past policy practice of the Council or Administration. Even if the Council is generally aware of the background, it is helpful to include a capsule summary for review. If previous reports have been provided to Council, reference these reports by title, with a very short capsule summary of said report(s).

3. DISCUSSION
   A complete description of the plan, program, issue, etc., and significant factors should be presented in the discussion section of the report.

4. FISCAL IMPACT
   All reports must include a fiscal impact section. This area should detail what new costs are being generated and where the money for the expenditure is found in the budget. If the program produces no fiscal impact, this should also be noted in the
report. Fiscal impact includes not only the direct cost of purchasing a product or providing a service but also:

- in-kind value provided
- funds required for a match
- long term maintenance cost
- staff requirements for a new ordinance
- etc.

If there is a savings or a revenue increase that will result from Council Action, this should be noted. If relevant, the budget for an item should be shown including account number and amount.

5. **ALTERNATIVE COURSES OF ACTION**
   Sound Council decisions are the result of a comprehensive review of the situation and full consideration of a wide choice of actions. Even in cases where circumstances point to a specific approach, keep in mind that there are inevitably many features in each situation which can be dealt with in many ways. This does not mean that spurious alternatives should be presented for the sake of providing several options.

6. **RECOMMENDATIONS / SUGGESTED MOTION**
   The department preparing a report shall include recommendations and a suggested motion unless it is an information report or unless otherwise directed by the City Manager.

7. **SIGNATURE**
   All reports shall be signed by a department representative unless the department does not agree with the recommendations made.

B. **Report to Boards & Commissions**
   Boards and Commissions play a central policy formulation role in the City. They are deserving of the same high quality information as is the City Council. Additionally, it is important that there be consistencies between staff recommendations to Boards and Commissions and Council. Therefore (with the exception of routine planning items) all policy matters going to a Board and Commission which will subsequently be considered by City Council, is to follow the procedures outlined in Section B above.

C. **Report Standards**
   Staff Reports to Council should be drafted in such a way as to meet the following standards:
   - Readable and coherent.
   - Logical presentation which points to the conclusion and recommendations.
   - Provides sufficient background and information so City Council members need only refer to the report to adequately explain prior Council action on the subject.
   - Any money requirements clearly documented in terms of total estimate, detail, and budgetary impact.
   - Whenever possible, the report will demonstrate relationship of the proposal to existing Council policy or law.
   - All appendices must be referenced in the text. A Council member should not have to read an entire appendix to understand its importance to the text. All appendices attached to a report shall be listed by number and title below the signature block.
The report should answer all major questions which could be raised on the subject.

An ideal report would result in the Council needing only to debate the merits of alternatives. Questions of fact and background should never have to be asked by the Council.

As succinct and concise as possible.

Eliminate bureaucratic jargon and acronyms.

Use factual phrases and words.

D. Format

Reports are to be typed according to the format on the attached form template (individual department templates are located in the “L” Directory, under Forms, Templates, and by department.)
CITY OF REDMOND
CITY RECORDER’S OFFICE
COUNCIL

SUGGESTIONS FOR “COMMENTS FROM CITIZENS”

- Time limit of 3-5 minutes per person
- Set a limit on representatives speaking on behalf of groups
- Have speakers state name and speak into the microphone
- Ask speakers address new issues and avoid repeating what has already been said
- Do not let audience members dialog; they must come to “podium” to speak
- TV cameras should be able to capture comments
- If they have materials, meeting recorder needs a copy for the record
- If a citizen is asking for something to be done, have staff research and report back so all issues can be considered
- Statement on agenda describing “how to” for citizens

“The Redmond City Council offers this time for citizens to comment on issues not already on the agenda. After the Mayor asks for comments, rise or raise your hand for the Mayor to acknowledge you. Come to the testimony table and state your name. Please be sure to speak into the microphone. Comments should be limited to 3 minutes.
Current Council Goals

G:\Recorder\Document\Council\Goals
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Current Personnel Rules
REDMOND CITY CHARTER 1980

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A CHARTER

To provide for the government of the City of Redmond, Deschutes County, Oregon.

Be it enacted by the people of the City of Redmond, Deschutes County, Oregon:

CHAPTER I

NAME AND BOUNDARIES

Section 1. Title of Enactment. This enactment may be referred to as the Redmond City Charter of 1980.

Section 2. Name of City. The municipality of Redmond, Deschutes County, Oregon, shall continue to be a municipal corporation with the name "City of Redmond."

Section 3. Boundaries. The City shall include all territory encompassed by its boundaries as they now exist or hereafter are modified. The Finance Officer/Recorder shall keep in his or her office at the City Hall at least two copies of this charter in each of which he or she shall maintain an accurate, up-to-date description of the boundaries. The copies and description shall be available for public inspection at any time during regular office hours of the Finance Officer/Recorder.

CHAPTER II

POWERS

Section 4. Powers of the City. The City shall have all powers which the constitutions, statutes, and common law of the United States and of this state expressly or impliedly grant or allow municipalities, as fully as though this charter specifically enumerated each of those powers.

Section 5. Construction of Charter. In this charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the city would have if the particular power were not mentioned. The charter shall be liberally construed to the end that the city may have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to state laws and to the municipal home rule.

CHAPTER III

FORM OF GOVERNMENT

Section 6. Where Powers Vested. Except as this charter provides otherwise, all powers of the city shall be vested in the council.

Section 7. Council. The council shall be composed of six councilors and a mayor.

Section 8. Councilors. The councilors in office at the time this charter is adopted shall continue in office, each until the end of his or her term of office as fixed by the charter of the city in effect at the time this charter is adopted. At each biennial general election after this charter takes effect, three councilors shall be elected, each for a term of four years.

Section 9. Mayor. At each biennial general election a mayor shall be elected for a term of two years.

Section 10. Manager, Judge, and Other Officers. Additional officers of the city shall be a city manager and municipal judge, each of whom the council shall appoint, and such other officers as the council deems necessary. The council may combine any two or more appointive offices, except the offices of city manager and municipal judge. In no such combination shall the municipal judge be subject in his judicial functions to supervision by any other officer.

Section 11. Compensation. Compensation for city officers and employees shall be the amount fixed by the council.

Section 12. Qualification of Officers. No person shall be eligible for an elective office of the city unless at the time of his or her election he or she is a qualified elector within the meaning of the state constitution and has resided in the city during the twelve months immediately
preceding the election. No person shall hold elective office while he or she is an employee of the city. The council shall be the final judge of the qualifications and election of its own members.

CHAPTER IV
COUNCIL

Section 13. Meetings. The council shall hold a regular meeting at least once each month in the city at a time and at a place which it designates. It shall adopt rules governing its members and proceedings. The mayor upon his or her own motion may, or at the request of three members of the council shall, by giving notice thereof to all members of the council then in the city, call a special meeting of the council for a time not earlier than three nor later than forty eight hours after the notice is given. Special meetings of the council may also be held at any time by the common consent of all the members of the council.

Section 14. Quorum. A majority of members of the council shall constitute a quorum for its business, but a smaller number may meet and compel the attendance of absent members in a manner provided by ordinance.

Section 15. Record of Proceedings. The council shall cause a record of its proceedings to be kept. Upon the request of any of its members, the ayes and nayes upon any questions before it shall be taken and entered in the record.

Section 16. Public Meetings. Except as provided by state law, proceedings of the city council shall be open to the public.

Section 17. Mayor's Functions at Council Meetings. The mayor shall be chairman of the council and preside over its deliberations. He or she shall have a vote on all questions before it. He or she shall have authority to preserve order, enforce the rules of the council and determine the order of business under the rules of the council.

Section 18. President of the Council. At its first meeting after this charter takes effect and thereafter at its first meeting of each odd numbered year, the council shall elect a president from its membership. In the mayor's absence from a council meeting, the president shall preside over it. Whenever the mayor is unable to perform the functions of this office, the president shall act as mayor.

Section 19. Vote Required. Except as this charter otherwise provides, the concurrence of a majority of the members of the council present at a council meeting shall be necessary to decide any questions before the council.

CHAPTER V
POWERS AND DUTIES OF OFFICERS

Section 20. Mayor. The mayor with the approval of the council shall appoint the committees provided by the rules of the council. He or she shall sign all records of proceedings approved by the council. He or she shall have no veto power and shall sign all ordinances passed by the council. After the council approves a bond of a city officer or a bond for a license, contract or proposal, the mayor shall endorse the bond.

Section 21. City Manager.
1. The city manager shall be the administrative head of the government of the city. He or she shall be chosen by the council without regard to political considerations and solely with reference to his or her executive and administrative qualifications. He or she need not be a resident of the city or of the state at the time of his or her appointment. Before taking office, he or she shall give a bond in such amount and with such surety as may be approved by the council. The premiums on such bond shall be paid by the city. The manager shall have the right to take part in the deliberations of the council but shall have no vote therein.
2. The manager shall serve as the city budget officer, purchasing and business agent, the administrative head of all city departments and
Section 24. Tie Votes. In the event of a tie vote for candidates for an elective office, the successful candidate shall be determined by a public drawing of lots in a manner prescribed by the council.

Section 25. Commencement of Terms of Office. The term of office of a person elected at a regular city election shall commence the first of the year immediately following the election.

Section 26. Oath or Affirmation. All elective officers, the municipal judge, and the city manager, before entering upon the duties of their offices, shall subscribe and file with the head of the department in charge of city records an oath or affirmation of office. The oath shall read: "I____________, do solemnly swear that I will support the constitution of the United States and of the State of Oregon, and that I will, to the best of my ability, faithfully perform the duties of _______________ during my continuance therein, so help me God." If the person affirms, instead of the last clause of the oath, there shall be stated: "And this I do affirm under the pains and penalties of perjury."

Section 27. Nomination. Nomination of a candidate for an elective city office shall be by petition in a manner prescribed by ordinance.

CHAPTER VII

VACANCIES IN OFFICE

Section 28. What Creates a Vacancy. An elective office shall be deemed vacant upon the incumbent's death; adjudicated incompetence; conviction of a felony, other offense pertaining to his office, or unlawful destruction of public records; resignation; recall from office; discontinuance of residency within the city limits; ceasing to possess the qualifications for the office; or upon the failure of the person elected or appointed to the office to qualify therefor within ten days after the time for his or her term of office to commence; or in the case of a mayor or councilor, upon his or her absence from the city for 30 days without the consent of the council or upon his or her
absence from meetings of the council for 60
days without like consent, and upon a
declaration by the council of the vacancy.

Section 29. Filling of Vacancies. 
Vacant elective offices in the city shall be
filled by appointment by the mayor. A
majority vote of the council shall be
required to approve the appointment. The
appointee’s term of office shall begin
immediately upon his or her appointment
and shall continue throughout the
unexpired term of his or her predecessor.

CHAPTER VIII
ORDINANCES

Section 30. Enacting Clause. The
enacting clause of all ordinances hereafter
enacted shall be, “The City of Redmond
ordains as follows:”

Section 31. Mode of Enactment.
1. Except as the second and third
paragraphs of this section
provide to the contrary, every
ordinance of the council shall,
before being put upon its final
passage, be read fully and
distinctly in open council meeting
on two different days.
2. Except as the third paragraph of
this section provides to the
contrary an ordinance may be
enacted at a single meeting of the
council by unanimous vote of all
council members present, upon
being read first in full and then
by title.
3. Any of the readings may be by
title only if no council member
present at the meeting requests to
have the ordinance read in full or if
a copy of the ordinance is provided
for each council member and three
copies are provided for public
inspection in the office of the city
recorder not later than one week
before the first reading of the
ordinance and if notice of their
availability is given forthwith
upon the filing, by written notice
posted at the city hall and two
other public places in the city or by
advertisement in a newspaper of
general circulation in the city. An
ordinance enacted after being read
by title along may have no legal
effect if it differs substantially
from its terms as it was thus filed
prior to such reading, unless each
section incorporating such a
difference is read fully and
distinctly in open council meeting
as finally amended prior to being
approved by the council.

4. Upon the final vote on an ordinance,
the ayes and nays of the members
shall be taken and entered in the
record of proceedings.

5. Upon the enactment of an
ordinance, the Finance Officer/
Recorder shall sign it with the
date of its passage and his or her
name and title of office, and there-
after the mayor shall sign it with
the date of his signature, his name
and the title of his office. the
failure of either the Finance
Officer/Recorder or the Mayor to
sign an ordinance shall not affect
the validity of said ordinance.

Section 32. When Ordinances Take
Effect. An ordinance enacted by the
council shall take effect on the thirtieth
day after its enactment. When the council
deems it advisable, however, an ordinance
may provide a later time for it to take
effect, and in case of an emergency, it may
take effect immediately.

CHAPTER IX
PUBLIC IMPROVEMENTS

Section 33. Condemnation. Any
necessity of taking property for the city by
condemnation shall be determined by a
resolution of the council describing the
property and stating the uses to which it
shall be devoted.

Section 34. Improvements. The
procedure for making, altering, vacating,
or abandoning a public improvement shall
be governed by the applicable general
ordinance.

Section 35. Special Assessments. The
procedure for levying, collecting, and enforcing the payment of special assessments for public improvements or other services to be charged against real property shall be governed by the applicable general ordinance.

CHAPTER X

MISCELLANEOUS PROVISIONS

Section 36. Existing Ordinances Continued. All ordinances of the city consistent with this charter and in force when it takes effect shall remain in effect until amended or repealed.

Section 37. Repeal of Previously Enacted Provisions. All charter provisions of the city enacted prior to the time that this charter takes effect are hereby repealed except the provisions of Articles 77,78 and 79 of the previous charter as added by amendment adopted at an election held on December 16, 1941 as follows:

"Section 77. The common council shall each year levy a tax of not to exceed three mills on each dollar of the assessed value of the taxable property in the City of Redmond for the purpose of purchasing and maintaining fire fighting equipment, establishing and operating fire stations, payment of salaries and wages for firemen, and for incidental fire department expense. Said tax shall be levied and collected at the same time and in the same manner as other city taxes are levied and collected, and the treasurer shall keep the same in a separate fund to be designated the "fire department fund." The funds derived from said tax shall be disbursed by the common council as in the case of other funds, provided that no part of said funds shall be expended for any other purpose than herein provided. The said tax shall be in addition to the amount that may be levied by said common council under the six percent constitutional limitation.

Section 78. The common council shall each year levy a tax of not to exceed three mills on each dollar of the assessed value of the taxable property in the City of Redmond for the purpose of grading, surfacing, paving, and maintaining the streets and alleys in the city, and for the purchase of equipment therefor. Said tax shall be levied and collected at the time and in the same manner as other taxes are levied and collected, and the city treasurer shall keep the same in a separate fund to be designated the "street fund." The funds derived from said tax shall be disbursed by the common council as in the case of other funds, provided that no part of said funds shall be expended for any other purpose than herein provided. The said tax shall be in addition to the amount that may be levied by the common council under the six percent constitutional limitation.

Section 79. The common council shall each year levy a tax of not to exceed one and one half mills on each dollar of the assessed value of the taxable property in the City of Redmond for the purpose of equipping, maintaining, and operating a municipal swimming pool and acquiring, equipping and maintaining municipal parks or park. Said tax shall be levied and collected at the same time, and in the same manner as other taxes are levied and collected, and the city treasurer shall keep the same in a separate fund to be designated the "park fund." The funds derived from said tax shall be disbursed by the common council as in the case of other funds, provided that no part of said funds shall be expended for any other purpose than herein provided. The said tax shall be in addition to the amount that may be levied by the common council under the six percent constitutional limitation.

Section 38. Time of Effect of Charter. This charter shall take effect January 1, 1981.
DISCLAIMER

This guide discusses how the provisions in Chapter 244 of the Oregon Revised Statutes apply to public officials. ORS 244.320 requires this publication to explain in understandable terms the requirements of Oregon Government Ethics law and the Oregon Government Ethics Commission’s interpretation of those requirements. Toward that end, the statutory language has been summarized and paraphrased in this guide. Therefore, the discussion in this guide should not be used as a substitute for a review of the specific statutes and rules.
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INTRODUCTION

In 1974, voters approved a statewide ballot measure to create the Oregon Government Ethics Commission (Commission). The measure established laws that are contained in Chapter 244 of the Oregon Revised Statutes (ORS).

When the Commission was established, it was given jurisdiction to implement and enforce the provisions in ORS Chapter 244 related to the conduct of public officials. In addition, the Commission was given jurisdiction for ORS Chapter 171, related to lobbying regulations, and ORS 192.660 concerning executive session provisions of Oregon Public Meetings law.

The Commission has prepared a guide for lobbyists and clients or employers of lobbyists regulated under provision in ORS Chapter 171. This guide for public officials includes a discussion of provisions that may interact with Lobbying Regulations. If you have questions regarding lobbying activity or lobbying expenditure reporting requirements, please refer to our guide on lobbying.

ORS 192.660 lists the specific criteria a governing body must use when convening an executive session. The statutory authority for executive sessions is limited to specific topics or procedures. The guide does not discuss this portion of the Oregon Public Meetings law, but there is a detailed discussion of ORS 192.660 in the Attorney General’s Public Records and Meetings Manual.

This guide will discuss how the provisions in ORS Chapter 244 apply to public officials and will summarize Commission procedures. This manual is to be used in conjunction with applicable statutes and rules. It is intended to be a useful guide, but should not be used as a substitute for a review of the specific statutes and rules.

You will find links to the ORS Chapters, Oregon Administrative Rules (OAR), and other publications referenced in this guide, on the Commission’s website at www.oregon.gov/ogec. Questions or comments may be submitted to the Commission by email at ogec.mail@state.or.us, by Fax to 503-373-1456 or by telephone to 503-378-5105.

*****
The jurisdiction of the Oregon Government Ethics Commission is limited. Other Oregon statutes regulate the activities of elected officials and public employees in a number of areas outside the jurisdiction of this Commission. Some examples are:

- The Elections Division of the Secretary of State’s Office regulates campaign finance and campaign activities.
- Criminal activity of any type would fall under the jurisdiction of federal, state or local law enforcement.
- The Commission does not have jurisdiction over the laws that govern public meetings or records as set out in Oregon Public Records and Meetings laws, except for the executive session provisions.
- The Oregon Bureau of Labor and Industries investigates cases involving employment related sexual harassment or discrimination on the basis of race, religion, disability or gender.

There are occasions when a public official engages in conduct that may be viewed as unethical, but that conduct may not be covered by Oregon Government Ethics law. Without an apparent statutory violation, the following are some examples of conduct by public officials that are not addressed:

- An elected official makes promises or claims that are not acted upon.
- Public officials mismanage or exercise poor judgment when administering public money.
- Public officials may be rude or unmannerly.
- Public officials using deception or misrepresenting information or events.

While the behavior described above may not be addressed in Oregon Government Ethics law, public agency policies and procedures may prohibit or redress the behavior. Please contact the Commission staff if you need further clarification regarding how the Oregon Government Ethics law may apply to circumstances you may encounter.

*****
HOW DO I KNOW IF I AM A PUBLIC OFFICIAL?

There are approximately 200,000 public officials in Oregon. You are a public official if you are:

- Elected or appointed to an office or position with a state, county or city government.
- Elected or appointed to an office or position with a special district.
- An employee of a state, county or city agency or special district.
- An unpaid volunteer for a state, county or city agency or special district.
- Anyone serving the State of Oregon or any of its political subdivisions, such as the State Accident Insurance Fund or the Oregon Health Sciences University.

*[The actual definition of a public official is found in ORS 244.020(13).]*

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WHAT PUBLIC OFFICIALS NEED TO KNOW!

The provisions in Oregon Government Ethics law restrict some choices, decisions or actions a public official may make. The restrictions placed on public officials are different than those placed on private citizens because service in a public office is a public trust and the provisions in ORS Chapter 244 were enacted to provide one safeguard for that trust.

Public officials are prohibited from using or attempting to use their positions to gain a financial benefit or to avoid a financial cost for themselves, a relative or their businesses if the opportunity is available only because of the position held by the public official. [ORS 244.040(1)]

ORS 244.020(14) provides a definition for the relative of a public official, which is operative in the application of ORS Chapter 244, except for ORS 244.175 through .179, which addresses nepotism and applies a broader definition of relative. Relative, as defined in ORS 244.020(14), includes the public official’s spouse or domestic partner and children, siblings, spouses of siblings or parents of the public official and spouse. If the public official has a legal support obligation for an individual or provides or receives benefits from another individual, they also may be defined as a relative of the public official.

There are conditions that must be met before a public official may accept a gift and in some cases, there are limits on the value of gifts that can be accepted. Certain public officials are required to file reports that disclose some gifts accepted and specific economic interests.

When met with a conflict of interest, a public official must follow specific procedures to disclose the nature of the conflict. There are also restrictions on certain types of employment subsequent to public employment and on nepotism. This guide will address how Oregon Government Ethics law applies to various circumstances that are encountered through public employment and service.

There is one element of Oregon Government Ethics law that a public official should understand as it is one of the keys to knowing how the law may apply in a variety of circumstances. That element is found in the phrase legislative or administrative interest, which is defined in ORS 244.020(8) as follows:

Legislative or administrative interest means an economic interest, distinct from that of the general public, in one or more bills, resolutions, regulations, proposals or other matters subject to the action or vote of a person acting in the capacity of a public official.

There are occasions when members of the general public may have an economic interest in the actions of a governmental agency. When that economic interest is shared by all members of the general public, it is not defined as a legislative or administrative interest. For example, decisions regarding drivers licenses issued to drivers in the state are likely to have the same general economic impact on all applicants from the general public.
Decisions made with regard to tax rates are also likely to have the same general economic impact on all members of the general public. Decisions on the cost of a sport fishing license are likely to have the same general economic impact on all license applicants from the general public.

Whether a person has a legislative or administrative interest in the governmental agency served by the public official determines whether restrictions apply to offers of gifts or other financial benefits. It also determines what reporting requirements will apply to public officials or others who may provide financial benefits to public officials. This guide addresses those restrictions and reporting requirements, but first, we need to understand how the definition of a legislative or administrative interest applies in various circumstances. The following examples are presented to illustrate how the definition of a legislative or administrative interest might apply, but are not intended to cover all of the circumstances where there is an economic interest distinct from that of the general public:

- If a business could sell services or products to a governmental agency, that business would have an economic interest in that agency that is distinctly different than the economic interest held by members of the general public.

- If a business could submit bids on a governmental agency’s request for proposals, that business would have an economic interest in that agency that is distinctly different than the economic interest held by members of the general public.

- If a business or person, apart from members of the general public, is regulated or licensed by a governmental agency that business or person would have an economic interest in that agency that is distinctly different than the economic interest held by members of the general public.

- If a business or person must apply for a permit from a governmental agency, that business or person would have an economic interest in that agency that is distinctly different than the economic interest held by members of the general public.

- Lobbyists are advocates for legislative outcomes and have an economic interest in governmental agencies that submit or act on proposed legislative action. The lobbyist’s interest is distinct from the economic interest of the general public.

- If a lobbyist is employed or retained to advocate for legislative outcomes through contact with legislative or executive officials, the lobbyist and the lobbyist’s client or employer has an economic interest that is distinct from the economic interest of the general public.

- Public employees could have an economic interest in the actions of their agency supervisor that is distinct from the economic interest held by the general public.

*****
PUBLIC OFFICIALS CANNOT:

1. Public officials may not use or attempt to use their official position or office to obtain a personal financial gain or to avoid a personal financial detriment if the opportunity would not otherwise be available but for their holding the official position or office. [ORS 244.040(1)]

2. Public officials may not use or attempt to use their official position or office to obtain a financial gain or to avoid a financial detriment for a public official’s relative if the opportunity would not otherwise be available but for their holding the official position or office. [ORS 244.040(1)]

3. Public officials may not use or attempt to use their official position or office to obtain financial gain or to avoid a financial detriment for a member of the public official’s household if the opportunity would not otherwise be available but for their holding the official position or office. [ORS 244.040(1)]

4. Public officials may not use or attempt to use their official position or office to obtain financial gain or to avoid a financial detriment for a business with which the public official, relative of the public official or member of the public official’s household are associated if the opportunity would not otherwise be available but for their holding their official position or office. [ORS 244.040(1)]

5. A public official, a relative of a public official or a member of the public official’s household may not accept gifts that exceed $50 (This restriction in ORS 244.025 is discussed later.) from a source* that has a legislative or administrative interest in the public official’s governmental agency. [ORS 244.040(2)(e)]

6. Public officials and candidates may not accept the payment of expenses for entertainment nor can a source offer such paid expenses. [ORS 244.025(4) and see entertainment defined in OAR 199-005-0025(4)]

7. Public officials or candidates for public office, or members of their households, may not solicit or accept honoraria. [ORS 244.042(1) and ORS 244.042(2)]

8. Public officials may not solicit or accept the offer, pledge or promise of future employment based on any understanding that a vote, official action or judgment would be influenced by the offer. [ORS 244.040(3)]

9. Current or former public officials may not use or attempt to use confidential information gained through their positions as public officials for financial gain. [ORS 244.040(1)]

* Source of a gift is defined in OAR 199-005-0030 as the person or organization that pays the cost of the gift and receives no reimbursement for the expense from another person or organization.
244.040(4) and ORS 244.040(5) and see confidential information defined in OAR 199-005-0035(5)]

10. Public officials may not represent a **private client** for a fee before a governing body when the public official is a member of that same body. [ORS 244.040(6)]

11. After complying with the conflict of interest provisions in ORS 244.120, public officials cannot participate in any personnel action taken by the public agency that would impact the employment of a relative or member of the public official's household. [ORS 244.177] Exceptions to the provision are:

- If acting as a reference, making a recommendation or performing ministerial acts that are normal functions of the position held.
- If the personnel action involves a relative or member of the household who is an unpaid volunteer.
- Members of the Oregon Legislative Assembly may employ relatives on their personal staff.

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PUBLIC OFFICIALS CAN:

1. Public officials may accept any part of their official compensation package from their public employer. [ORS 244.040(2)(a) and see compensation package defined in OAR199-005-0035(3)]

2. Public officials may solicit and accept honorarium, a certificate, plaque, commemorative token or other items with a value of less than $50. [ORS 244.040(2)(b) and ORS 244.042(3)(a)]

3. Public officials and candidates may solicit and accept honoraria for services related to the public official’s private profession, occupation, avocation or expertise. [ORS 244.042(3)(b)]

4. Public officials may request and accept the reimbursement of expenses from their public employer for expenses incurred while on official business. [ORS 244.040(2)(c) and see reimbursed expenses defined in OAR199-005-0035(4)]

5. Public officials may accept unsolicited awards for professional achievement. [ORS 244.040(2)(d)]

6. A public official, a relative of a public official or a member of the public official’s household may accept gifts from a source when it is reasonable to believe that the source does not have a legislative or administrative interest in the public official’s governmental agency. [ORS 244.040(2)(f)]

7. When it is reasonable to believe that the source has a legislative or administrative interest in a public official’s governmental agency, the public official, a relative of a public official or a member of the public official’s household may accept gifts when the aggregate value in one calendar year from a single source does not exceed $50. This prohibition also applies to candidates for a position with a governmental agency. [ORS 244.025(1)] Sources are also prohibited from offering gifts exceeding $50. [ORS 244.025(2) and ORS 244.025(3)]

8. Public officials may accept gifts when the item or event is a specific exception from the definition of “gift” as described in ORS 244.020(5)(b). [ORS 244.040(2)(g)] Those events or items that are excluded from the definition of a "gift" are identified in the gift section of this guide.

9. Public officials may accept contributions to their legal expense trust fund established under ORS 244.209. [ORS 244.020(2)(h)]

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GIFTS

A gift is something given to a public official, a relative of the public official or a member of the public official’s household when there is no payment, or payment is for a discounted price, and the opportunity (gift) is not available to others who are not public officials on the same terms or conditions. [ORS 244.020(5)(a)]

The following are NOT GIFTS and may be accepted:

- Campaign contributions as defined in ORS 260.005. [ORS 244.020(5)(b)(A)]
- Contributions to a legal expense trust fund established under ORS 244.209. [ORS 244.020(5)(b)(G)]
- Gifts from relatives or members of the public official’s household. [ORS 244.020(5)(b)(B)]
- Unsolicited gifts with a resale value of less than $25 and in the form of items similar to a token, plaque, trophy and desk or wall mementos. [ORS 244.020(5)(b)(C) and see resale value discussed in OAR199-005-0010]
- Publications, subscriptions or other informational material related to the public official’s duties. [ORS 244.020(5)(b)(D)]
- Waivers or discounts for registration or materials related to continuing education to satisfy a professional licensing requirement. [ORS 244.020(5)(b)(J)]
- Entertainment for a public official, a relative of the public official or a member of the public official’s household that is incidental to the main purpose of the event. [ORS 244.020(5)(b)(M) and see “incidental” defined in OAR199-005-0025(3)]
- Entertainment for a public official, a relative of the public official or a member of the public official’s household when the public official is acting in an official capacity and representing a governing agency for a ceremonial purpose. [ORS 244.020(5)(b)(N) and see “ceremonial” defined in OAR199-005-0025(5)]
- Food, beverage and admission for a public official, a member of the public official’s household or staff when the public official is scheduled to speak or answer questions at an organization’s reception, meal or meeting. [ORS 244.020(5)(b)(E) and see this exception discussed in OAR199-005-0015]
- Food and beverage consumed at a reception where the food and beverage is an incidental part of the reception and there was no admission charged. [ORS 244.020(5)(b)(L) and OAR199-005-0025(3)]
• When public officials travel together inside the state to an event bearing a relationship to the office held and the public official appears in an official capacity, a public official may accept the travel related expenses paid by the accompanying public official. [ORS 244.020(5)(b)(K)]

• Food, lodging or travel expenses if a public official is scheduled to speak, make a presentation, participate on a panel or represent a government agency at a convention, fact-finding trip or other meeting. The paid expenses for this exception can only be accepted from another government agency, Native American Tribe, an organization to which a public body pays membership dues or certain tax-exempt not-for-profit organizations. [ORS 244.020(5)(b)(F) and see definition of terms for this exception in OAR 199-005-0020]

• Food, lodging or travel expenses for a public official, a relative of the public official or a member of the public official’s household or staff may be accepted when the public official is representing the government agency or special district at one of the following: [ORS 244.020(5)(b)(H) and see definition of terms for this exception in OAR 199-005-0020]
  o Officially sanctioned trade promotion or fact-finding mission;
  o Officially designated negotiation or economic development activity when receipt has been approved in advance.

• Food and beverage when acting in an official capacity in the following circumstances: [ORS 244.020(5)(b)(I)]
  o In association with a financial transaction or business agreement between a government agency and another public body or a private entity, including such actions as a review, approval or execution of documents or closing a borrowing or investment transaction;
  o When the office of the Treasurer is engaged in business related to proposed investment or borrowing;
  o When the office of the Treasurer is meeting with a governance, advisory or policy making body of an entity in which the Treasurer’s office has invested money.

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GIFTS: A DISCUSSION

In understanding issues related to gifts, the operative definition of a “gift” should be used when deciding if Oregon Government Ethics law would apply to a gift offered to a public official. The following is a paraphrase of the definition taken from ORS 244.020(5)(a):

A gift is something given to a public official, a relative of the public official or a member of the public official’s household and the recipient either makes no payment or makes payment at a discounted price. The opportunity for the gift is one that is not available to members of the general public, who are not public officials, under the same terms and conditions as those that apply to the gift offered to the public official, the relative or a member of the household.

There is another provision in Oregon Government Ethics law that must be included in any gift discussion. ORS 244.040(1) prohibits public officials from using or attempting to use their official positions to gain a financial benefit or to avoid a financial cost if the opportunity is one that would not otherwise be available but for a public official holding the official position.

There may be occasions when a financial benefit that is available to a public official could meet the definition of gift, but if a public official accepts the financial benefit a violation of ORS 244.040(1) could occur because acceptance would represent the prohibited use of an official position to gain a financial benefit.

It is important to remember that there is a distinction between how the law addresses a financial benefit as a gift in contrast to a financial benefit gained through the use of an official position. The following examples are offered to illustrate, in part, that distinction:

- A salesperson from a software company offers to take a county’s information technology manager out to lunch. The meal would be a gift and, if accepted, the value would be included in the aggregate value of gifts, which cannot exceed $50 in one calendar year. [ORS 244.025(1) and (2)]

- A city recorder has overseen the installation and implementation of a new software program to manage the city’s financial records. The software distributor asks the city recorder to participate as a trainer at an event the distributor has planned for public employees who work for different city governments. The distributor has offered to compensate the city recorder and pay expenses for food, lodging and travel. If the city recorder accepted this offer, it could constitute the use of the official position to gain a financial benefit because the opportunity for the compensation and paid expenses would not be available but for being the city recorder.

- A city manager attends a conference on salaried time and is reimbursed for expenses by the city. When the city manager checks out of the hotel, she is offered a coupon for two nights of free lodging at any of the hotel chain’s nationwide hotels.
If accepted and used for personal lodging, it could constitute the use of an official position to gain a financial benefit because the opportunity for two nights of free lodging would not be available but for the city sending and paying the travel expenses for the city manager to attend the conference.

- A state employee is sent by his agency to attend a two-day training conference and is reimbursed for his expenses. The salaried employee attends during his regular working hours. A salesperson for a company that sells products to the state agency is near the registration table for the conference and offers a collection of gifts valued at over $100 to all registrants. If accepted, the gifts could constitute the use of an official position to gain a financial benefit because the opportunity to accept the gifts would not be available but for the state agency paying to send the employee to the conference.

- During the same conference, the state employee is going out to dinner after the conference adjourns for the day. While passing through the hotel lobby, he stops to speak with the salesperson who offered the gifts during the conference registration. The salesperson asks to join the state employee for dinner and offers to pay for the meal. Since the employee is on personal time, if accepted, the value of the meal would be included in the aggregate value of gifts, which cannot exceed $50 in one calendar year. \[\text{ORS 244.025(1) and (2)}\]

- A city mayor goes out to lunch in a local city restaurant. During lunch a well known developer approaches the mayor and offers to pay for the mayor’s meal. The value of the meal, if accepted, would be included in the aggregate value of gifts from a source, which cannot exceed $50 in one calendar year. \[\text{ORS 244.025(1) and (2)}\]

In the preceding examples the sources of the financial benefits have a legislative or administrative interest in the governmental agencies represented by the public officials. That is important to remember because if there were no legislative or administrative interest the public officials would not be prohibited from accepting the offers. \[\text{ORS 244.040(2)(f)}\]

**QUESTION**: As a public official, if I, my relative or a member of my household is met with an opportunity to obtain a financial benefit, how do we decide if the opportunity should be avoided or accepted?

To answer this question the following questions are offered to suggest how an opportunity for financial benefit should be examined:

- Does the source of a financial benefit have a legislative or administrative interest in my governmental agency?

  If the answer is no, then accepting the financial benefit would not be prohibited. \[\text{ORS 244.040(2)(f)}\]

  If yes, then it may be an opportunity that should be avoided \[\text{ORS 244.040(2)(f)}\]
244.040(1)] or if accepted, be aware of the conditions and restrictions that may apply. [ORS 244.020(5)(b), ORS 244.025 and ORS 244.042]

- Would the opportunity for this financial benefit be available if you did not hold your position as a public official?

  If no, then it may be an opportunity prohibited by ORS 244.040(1), unless it is one of the exceptions described in ORS 244.040(2).

- Is the financial benefit defined as a gift?

  If yes, then it may be an opportunity you could accept, but be sure you know the conditions and restrictions that may apply. [ORS 244.020(5)(b), ORS 244.025 and ORS 244.042]

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WHAT DO PUBLIC OFFICIALS REPORT?

There are approximately 5,000 Oregon public officials who must file disclosure forms with the Oregon Government Ethics Commission. Currently, the report forms are provided to the public officials by the Commission. Beginning in 2010, public officials will file their reports electronically.

There are two report forms that must be filed by public officials who hold positions specified in Oregon Government Ethics law:

1. **Annual Verified Statement of Economic Interest forms (SEI)** filed by April 15 of each calendar year. [*ORS 244.050]*

2. **Quarterly Public Official Disclosure forms (QPOD)** filed on January 15, April 15, July 15 and October 15. [*ORS 244.105]*.

The public officials who are required to file reports are specified in ORS 244.050. Please refer to that section of the law to see if your specific position requires you to file these forms. Generally:

- State public officials who hold elected or appointed executive, legislative or judicial positions are required to file. Additionally, those who have been appointed to positions on certain boards or commissions must file.

- In counties, elected officials, such as commissioners, assessors, surveyors, treasurers and sheriffs must file, in addition to planning commission members and the county’s principal administrator.

- In cities, all elected officials, the city manager or principal administrator, municipal judges and planning commission members file reports.

- Administrative and financial officers in school districts, education service districts and community college districts must file.

- Some members of the board of directors for certain special districts must file.

- Candidates for some elected public offices are also required to file the annual and quarterly forms.

The Commission staff has identified the groups of positions that are required to file reports. Each group of officials has a person who acts as the Commission’s contact person. The current name and address of each public official filer is obtained from the contact person.

The forms to be completed and filed by the specific public officials are sent either directly to the public official or in some cases, to the contact person for distribution.
The governing body to which you are elected or the public agency with which you are employed should advise you of your reporting requirements. You should also receive information as to the procedures your governing body or public agency follows in assisting you to meet the reporting requirements.

The reporting requirement is the personal responsibility of each public official. Please ensure that you comply and file timely, as the civil penalties for late filing are $10 for each of the first 14 days and $50 for each day thereafter. [ORS 244.350(4)(c)]

**Annual Verified Statement of Economic Interest Form:**

When the forms are distributed, instructions and definitions will be included to assist the filer in completing the forms. The form, which is due on April 15 of each calendar year, requests information that pertains to the previous calendar year. Public officials holding a position on April 15 that requires them to file, must complete the form. The following is a brief description of the information requested in the form:

- Name and address of each business in which a position as officer or director was held by the filer or member of the household. [ORS 244.060(1)]

- Name and address of each business through which the filer or member of the household did business. [ORS 244.060(2)]

- Name and address of the five most significant sources of income for the public official and members of the household, identifying the source and type of income and the name of the person who received it. [ORS 244.060(3)]

- Ownership interests held by the public official or members of the household in real property, except for the principal residence, located within the geographic boundaries of the governmental agency in which the public official position is held or sought. [ORS 244.060(4)(a)]

- Names of each member of the household 18 years or older. [ORS 244.060(5)]

- Names of each relative over 18 years of age who is not a member of the household. [ORS 244.060(6)]

The following information is required if the information requested relates to an individual or business that has been or could reasonably be expected to do business with the filer's governmental agency or has a legislative or administrative interest in the filer's governmental agency:

- Name of each person the filer has owed $1,000 or more, including the date of the loan and interest rate. Debts on retail contracts or with regulated financial institutions are excluded. [ORS 244.070(1)]
• Business name, address and nature of beneficial interest over $1,000, or investment held by the filer or a member of the household in stocks or securities over $1,000. Exemptions include mutual funds, blind trusts, deposits in financial institutions, credit union shares and the cash value of life insurance policies. [ORS 244.070(2)]

• Name of each person from whom the filer received a fee of over $1,000 for services, unless disclosure is prohibited by a professional code of ethics. [ORS 244.070(3)]

• Name of each lobbyist associated with any business the filer or a member of the household is associated, unless the association is through stock held in publicly traded corporations. [ORS 244.090]

Quarterly Public Official Disclosure:

These forms are available on the Commission website or from the public entity. Instructions and definitions will be included to assist the filer in completing the forms. The forms are filed on the 15<sup>th</sup> day of the month that follows each calendar quarter. The information requested pertains to the previous calendar quarter. The following is a brief description of the information requested on the form:

• Identify any organization or unit of government that paid over $50 in food, lodging and travel expenses for the filer to participate in a convention, meeting, mission or trip as described in ORS 244.020(5)(b)(F). Include the date and nature of the event and the sum of expenses paid. [ORS 244.100(1)(a)] The source of the paid expenses is required to provide a written notice as to the value of this event. [ORS 244.100(2)(a)]

• Provide the name and address of any person who paid over $50 in expenses for the filer to participate in a mission, negotiations or economic development activities as described in ORS 244.020(5)(b)(H). Include the date and nature of the event and the sum of expenses paid. [ORS 244.100(1)(b)]

• List all honoraria received by the filer or members of the household that exceeded $15. [ORS 244.100(1)(c)] Note that honoraria may not be accepted if it is valued at more than $50. [ORS 244.042] The source of the paid expenses is required to provide a written notice as to the value of this event. [ORS 244.100(2)(b)]

• List each source of income over $1,000 for the filer or a member of the household if the source has a legislative or administrative interest in the governmental agency of the filer. [ORS 244.100(1)(d)]

The Quarterly Public Official Disclosure forms must be filed even if the public official has no activity to report.

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CONFLICTS OF INTEREST

Oregon Government Ethics law defines actual conflict of interest [ORS 244.020(1)] and potential conflict of interest. [ORS 244.020(11)] In brief, a public official is met with a conflict of interest when participating in official action which could result in a financial benefit or detriment to the public official, a relative of the public official or a business with which either are associated.

The difference between an actual conflict of interest and a potential conflict of interest is determined by the words “would” and “could.” An actual conflict of interest occurs when the action taken by a public official would affect the financial interest of the official, the official’s relative or a business with which the official or a relative of the official is associated. A potential conflict of interest exists when the action taken by the public official could have a financial impact on that official, a relative of that official or a business with which the official or the relative of that official is associated.

What if I am met with a conflict of interest?

A public official must announce or disclose the nature of a conflict of interest. The way the disclosure is made depends on the position held. The following public officials must use the methods described:

Legislative Assembly:
Members must announce the nature of the conflict of interest in a manner pursuant to the rules of the house in which they serve. The Oregon Attorney General has determined that only the Legislative Assembly may investigate and sanction its members for violations of conflict of interest disclosure rules in ORS 244.120(1)(a). [49 Op. Atty. Gen. 167 (1999) issued on February 24, 1999]

Judges:
Judges must remove themselves from cases giving rise to the conflict of interest or advise the parties of the nature of the conflict of interest. [ORS 244.120(1)(b)]

Public Employees:
Public officials who are appointed, employed or volunteer must provide a written notice to the person who appointed or employed them. The notice must describe the nature of the conflict of interest with which they are met. [ORS 244.120(1)(c)]

Elected Officials or Appointed Members of Boards and Commissions:
Except for members of the Legislative Assembly, these public officials must publicly announce the nature of the conflict of interest before participating in any official action on the issue giving rise to the conflict of interest. [ORS 244.120(2)(a) and ORS 244.120(2)(b)]
• **Potential Conflict of Interest**: Following the public announcement, the public official may participate in official action on the issue that gave rise to the conflict of interest.

• **Actual Conflict of Interest**: Following the public announcement, the public official must refrain from further participation in official action on the issue that gave rise to the conflict of interest. \[ORS 244.120(2)(b)(A)\]

If a public official is met with an actual conflict of interest and the public official’s vote is necessary to meet the minimum number of votes required for official action, the public official may vote. The public official must make the required announcement and refrain from any discussion, but may participate in the vote required for official action by the governing body. \[ORS 244.120(2)(b)(B)\] These circumstances do not often occur. This provision does not apply in situations where there are insufficient votes because of a member’s absence when the governing body is convened. Rather, it applies in circumstances where members who must refrain due to actual conflicts of interest make it impossible for the governing body to take official action even when all members are present.

The following circumstances may exempt a public official from the requirement to make a public announcement or give a written notice describing the nature of a conflict of interest:

• If the conflict of interest arises from a membership or interest held in a particular business, industry, occupation or other class that was a prerequisite for holding the public official position. \[ORS 244.020(11)(a)\]

• If the financial impact of the official action would impact the public official, relative or business of the public official to the same degree as other members of an identifiable group or “class”. \[ORS 244.020(11)(b)\]

• If the conflict of interest arises from a position or membership in a nonprofit corporation that is tax-exempt under 501(c) of the Internal Revenue Code. \[ORS 244.020(11)(c)\]

How is the announcement of the nature of a conflict of interest recorded?

• The public body that is served by the public official will record the disclosure of the nature of the conflict of interest in the public record. \[ORS 244.130(1)\]

Is a public official required to make an announcement of the nature of a conflict of interest each time the issue giving rise to the conflict of interest is discussed or acted upon?

• The announcement needs to be made on each occasion the conflict of interest is met. For example, an elected member of the city council would have to make the
public announcement one time during a meeting of the city council. If the matter giving rise to the conflict of interest is raised at another meeting, the disclosure must be made again at that meeting. An employee in a city planning department would have to give a separate written notice on each occasion they participate in official action on a matter that gives rise to a conflict of interest.

If a public official failed to announce the nature of a conflict of interest and participated in official action, is the official action voided?

- No. Any official action that is taken may not be voided by any court solely by reason of the failure of the public official to disclose an actual or potential conflict of interest. [ORS 244.130(2)]

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THE RETURN TO PRIVATE LIFE

What are the restrictions on employment after I resign, retire or leave my public official position?

- ORS 244.040(1) prohibits public officials from using their official positions or offices to create a new employment opportunity; however, most former public officials may enter the private work force with few restrictions.

- Oregon Government Ethics law restricts the subsequent employment of certain public officials. The restrictions apply to positions listed below:

  ORS 244.045(1)
  State Agencies:
  
  Director of Department of Consumer and Business Services
  Administrator of Division of Finance and Corporate Securities
  Administrator of Insurance Division
  Administrator of Oregon Liquor Control Commission
  Director of Oregon State Lottery
  Public Utility Commissioner

  1. One year restriction on gaining financial benefits from a private employer in the activity, occupation or industry that was regulated by the agency for which the public official was the Director, Administrator or Commissioner.

  2. Two year restriction on lobbying or appearing as a representative before the agency on behalf of the activity, occupation or industry regulated by the agency for which the public official was the Director, Administrator or Commissioner.

  3. Two year restriction on disclosing confidential information gained as the Director, Administrator or Commissioner for the agency.

  ORS 244.045(2)
  Oregon Department of Justice:
  
  Deputy Attorney General
  Assistant Attorney General

  1. Restricted for two years from lobbying or appearing before an agency that they represented while with the Department of Justice.
ORS 244.045(3)
Office of the Treasurer:

State Treasurer
Chief Deputy State Treasurer

1. Restricted for one year from accepting financial benefit from a private entity with which there was negotiation or contract awarding $25,000 in one year by the State Treasurer or Oregon Investment Council.

2. Restricted for one year from accepting financial benefit from a private entity with which there was investment of $50,000 in one year by the State Treasurer or Oregon Investment Council.

3. Restricted for one year from being a lobbyist for an investment institution, manager or consultant or from appearing as a representative of an investment institution, manager or consultant before the office of State Treasurer or Oregon Investment Council.

ORS 244.045(4)
Public Officials who invested public funds:

1. Restricted for two years from being a lobbyist or appearing before the agency, board or commission for which public funds were invested.

2. Restricted for two years from influencing or trying to influence the agency, board or commission.

3. Restricted for two years from disclosing confidential information gained through employment.

ORS 244.047
Public Officials who authorized a public contract:

1. A public official who authorized or had a significant role in a contract while acting in an official capacity may not have a direct, beneficial, financial interest in the public contract for two years after leaving the official position.

2. A member of a board, commission, council, bureau, committee or other governing body who has participated in the authorization of a public contract may not have a direct, beneficial, financial interest in the public contract for two years after leaving the official position.

OAR 199-005-0035(6) indicates that “authorized by” means that public official performed a significant role in the selection of a contractor or the execution of the contract. A significant role can include recommending approval of a
contract, serving on a selection committee or team, having the final authorizing authority or signing a contract.

ORS 244.045(5)
Department of State Police

Supervising programs related to Native American tribal gaming
Supervising programs related to Oregon State Lottery

1. Restricted for one year from accepting employment from or gaining financial benefit related to gaming from the Lottery or a Native American Tribe.

2. Restricted for one year from gaining financial benefit from a private employer who sells gaming equipment or services.

3. Restricted for one year from trying to influence the Department of State Police or from disclosing confidential information.

Exceptions include subsequent employment with the state police, appointment as an Oregon State Lottery Commissioner, Tribal Gaming Commissioner or lottery game retailer, or personal gaming activities.

ORS 244.045(6)
Legislative Assembly

Representative
Senator

After a legislator’s membership in the Legislative Assembly ends, a legislator may not become a compensated lobbyist until adjournment of the next regularly scheduled session of the Legislative Assembly following the end of membership in the Legislative Assembly. [Note: In 2008 and 2010, the first special sessions are considered to be regular sessions.]
The Governor appoints all seven members of the Commission and each appointee is confirmed by the Senate. The commissioners are recommended and appointed as follows:

- 1 Recommended by the Senate Democrat leadership
- 1 Recommended by the Senate Republican leadership
- 1 Recommended by the House Democrat leadership
- 1 Recommended by the House Republican leadership
- 3 Recommended by the Governor

No more than four commissioners with the same political party affiliation may be appointed to the Commission to serve at the same time. The commissioners are limited to one four year term, but if an appointee fills an unfinished term they can be reappointed to a subsequent four year term.

The commission members select a chairperson and vice chairperson annually. The commission is administered by an executive director, who is selected by the Commission and legal counsel is provided by the Oregon Department of Justice.

**Training:**

The Commission has designated training as one of its highest priorities. It has one staff position to provide training on the laws and regulations under its jurisdiction to public officials and lobbyists. Training is provided by making presentations at training events, posting informational links on the website, creating topical handouts and offering guidance when inquiries are received.

**Advice:**

All members of the Commission staff are cross-trained in the laws and regulations under the Commission’s jurisdictions. Questions regarding the Commission’s laws, regulations and procedures are a welcome daily occurrence. Timely and accurate answers are a primary objective of the staff. Guidance and information is provided either informally or in written formal opinions. The following are available:

- Telephone inquiries are answered immediately or as soon as possible.
- E-mail inquiries are answered with return e-mail or telephone call as soon as possible.
- Letter inquiries are answered by letter as soon as possible.
- Written opinions on specific circumstances can also be requested.
Requests for written opinions must describe the specific facts and circumstances that provide the basis for questions about how the Oregon Government Ethics law may apply. The written opinions will be in one of the following formats, as requested:

**Staff Advice**

ORS 244.284 provides for informal staff advice, which may be offered in several forms, such as orally, by e-mail or by letter. In a letter of advice, the facts are restated as presented in the request and the relevant laws or regulations are applied. The answer will conclude whether a particular action by a public official comports with the law. The Commission may consider whether an action by a public official that may be subject to penalty was taken in reliance on staff advice.

**Staff Advisory Opinion**

ORS 244.282 authorizes the executive director to issue a staff advisory opinion upon receipt of a written request. The opinion is issued in a letter that restates the facts presented in the written request and identifies the relevant statutes. The letter will discuss how the law applies to the questions asked or raised by the facts presented in the request. The Commission must respond to any request for a staff advisory opinion within 30 days, unless the executive director extends the deadline by an additional 30 days. The Commission shall consider whether an action by a public official that may be subject to penalty, was taken in reliance on this staff advisory opinion.

**Commission Advisory Opinion**

ORS 244.280 authorizes the Commission to prepare and adopt by vote a Commission Advisory Opinion. This formal written opinion also restates the facts presented in a written request for a formal opinion by the Commission. The opinion will identify the relevant statutes and discuss how the law applies to the questions asked or raised by the fact circumstances provided in the request. These formal advisory opinions are reviewed by legal counsel before the Commission adopts them. The Commission must respond to any request for an advisory opinion within 60 days, unless the Commission extends the deadline by an additional 60 days.

The Commission may not impose a penalty on a public official for any good faith action taken by relying on a Commission Advisory Opinion, unless it is determined that the person who requested the opinion omitted or misstated material facts in the opinion request.

**Compliance:**

The Commission has a program manager who oversees the management and administration of the various reports that are filed with the Commission. There are approximately 2,000 lobbyists and employers of lobbyists who file quarterly lobbying activity expense reports. Each of the nearly 1,000 lobbyists must file or renew their lobbying registrations every two years. There are approximately 5,000 public officials who must file
the Quarterly Public Official Disclosure form after each calendar quarter and an Annual Verified Statement of Economic Interest form each April 15.

Investigations:

Investigations are initiated through a complaint procedure. [ORS 244.260] Any person may file a signed, written complaint alleging that there has been a violation of Oregon Government Ethics law. The complaint must state the person’s reason for believing that a violation occurred and must include any evidence relating to the alleged violation. The executive director reviews the complaint and if additional information is needed, the complainant is asked to provide that information.

If there is reason to believe that there has been a violation of Oregon Government Ethics law, the Commission may also initiate an investigation on its own motion. Before approving such a motion, the public official against whom the action may be taken is notified and given an opportunity to appear before the Commission at the meeting when the matter is discussed.

When a complaint is accepted, the public official against whom the allegations are made is referred to as the respondent. The respondent is notified of the complaint and provided with the information received in the complaint and the identity of the complainant. Whether based on a complaint or a motion by the Commission, the initial stage of the Commission procedure is called the Preliminary Review Phase. The time allowed for this phase is limited to 135 days and the Commission must act on the complaint within that period.

If there is a pending criminal matter related to the same circumstances or actions to be addressed in the Preliminary Review, the time period is suspended until the criminal matter is concluded.

There may be a variety of reasons for a respondent to ask for additional time before the Commission determines whether there is cause to investigate the issues raised by the complaint. With the consent of the Commission, a respondent may request a waiver of the 135 day time limit. If a complaint is made against a candidate within 61 days of an election, the candidate may request a delay.

During the Preliminary Review Phase, the Commissioners and staff can make no public comment on the matter other than acknowledge receipt of the complaint. It is maintained as a confidential matter until the Commission ends the Preliminary Review Phase. Under most circumstances, the Commission will end the Preliminary Review Phase by either dismissing the complaint or finding cause to conduct an investigation. The Commission meets in executive session to conduct deliberations and vote on the finding of cause or to dismiss. After the close of the Preliminary Review Phase, the case file is open to public disclosure.
If the complaint is dismissed the matter is concluded and both the respondent and complainant are notified. If cause is found to investigate, then an Investigatory Phase begins. This phase is limited to 180 days.

During each phase, information and documents are solicited from the complainant, respondent, and other witnesses and sources that are identified. Before the end of the 180 day period, the Commission will consider the results of the investigation. Normally, the Commission will either dismiss the complaint or make a preliminary finding that a violation of Oregon Government Ethics law was committed by the respondent. The preliminary finding of a violation is based on what the Commission considers to be sufficient evidence to support such a finding.

If a preliminary finding of violation is made, the respondent will be offered the opportunity to request a contested case hearing. At any time, the respondent is also encouraged to negotiate a settlement with the executive director, who represents the Commission in such negotiations. Most cases before the Commission are resolved through a negotiated settlement, with the terms of the agreement described in a Stipulated Final Order.

The Commission has a variety of sanctions available after making a finding that a violation occurred. Sanctions range from letters of reprimand to civil penalties and forfeitures. The maximum civil penalty that can be imposed for each violation is $5,000. Any financial gain that a respondent realized from the violation is subject to a forfeiture of twice the gain. Any monetary sanctions imposed and paid are deposited into the State of Oregon General Fund.

*****
Legal Expense Trust Fund

The Oregon Government Ethics Commission can authorize a public official to establish a trust fund to be used to defray expenses incurred when mounting a legal defense in any civil, criminal or other legal proceeding that relates to or arises from the course and scope of duties of the person as a public official. [ORS 244.205]
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244.050 Persons required to file statement of economic interest; filing deadline; civil penalty. (1) On or before April 15 of each year the following persons shall file with the Oregon Government Standards and Practices Commission a verified statement of economic interest as required under this chapter:

(a) The Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries, Superintendent of Public Instruction, district attorneys and members of the Legislative Assembly.

(b) Any judicial officer, including justices of the peace and municipal judges, except municipal judges in those cities where a majority of the votes cast in the subject city in the 1974 general election was in opposition to the ballot measure provided for in section 10, chapter 68, Oregon Laws 1974 (special session), and except any pro tem judicial officer who does not otherwise serve as a judicial officer.

(c) Any candidate for an office designated in paragraph (a) or (b) of this subsection.

(d) The Deputy Attorney General.

(e) The Legislative Administrator, the Legislative Counsel, the Legislative Fiscal Officer, the Secretary of the Senate and the Chief Clerk of the House of Representatives.

(f) The Chancellor and Vice Chancellors of the Oregon University System and the president and vice presidents, or their administrative equivalents, in each institution under the jurisdiction of the State Board of Higher Education.

(g) The following state officers:

(A) Adjutant General.

(B) Director of Agriculture.

(C) Manager of State Accident Insurance Fund Corporation.

(D) Water Resources Director.

(E) Director of Department of Environmental Quality.

(F) Director of Oregon Department of Administrative Services.

(G) State Fish and Wildlife Director.

(H) State Forester.

(I) State Geologist.

(J) Director of Human Services.

(K) Director of the Department of Consumer and Business Services.

(L) Director of the Department of State Lands.

(M) State Librarian.

(N) Administrator of Oregon Liquor Control Commission.

(O) Superintendent of State Police.

(P) Director of the Public Employees Retirement System.

(Q) Director of Department of Revenue.

(R) Director of Transportation.

(S) Public Utility Commissioner.

(T) Director of Veterans’ Affairs.


(V) Director of the State Department of Energy.

(W) Director and each assistant director of the Oregon State Lottery.

(h) Any assistant in the Governor’s office other than personal secretaries and clerical personnel.

(i) Every elected city or county official except elected officials in those cities or counties where a majority of votes cast in the subject city or county in any election on the issue of filing statements of economic interest under this chapter was in opposition.

(j) Every member of a city or county planning, zoning or development commission except such members in those cities or counties where a majority of votes cast in the subject city or county at any election on the issue of filing statements of economic interest under this chapter
was in opposition to the ballot measure provided for in section 10, chapter 68, Oregon Laws 1974 (special session).

(k) The chief executive officer of a city or county who performs the duties of manager or principal administrator of the city or county except such employees in those cities or counties where a majority of the votes cast in the subject city or county in an election on the issue of filing statements of economic interest under this chapter was in opposition.

(L) Members of local government boundary commissions formed under ORS 199.410 to 199.519.

(m) Every member of a governing body of a metropolitan service district and the executive officer thereof.

(n) Each member of the board of directors of the State Accident Insurance Fund Corporation.

(o) The chief administrative officer and the financial officer of each common and union high school district, education service district and community college district.

(p) Every member of the following state boards and commissions:
(A) Board of Geologic and Mineral Industries.
(B) Oregon Economic and Community Development Commission.
(C) State Board of Education.
(D) Environmental Quality Commission.
(E) Fish and Wildlife Commission of the State of Oregon.
(F) State Board of Forestry.
(H) Oregon Health Policy Commission.
(I) State Board of Higher Education.
(J) Oregon Investment Council.
(K) Land Conservation and Development Commission.
(L) Oregon Liquor Control Commission.
(M) Oregon Short Term Fund Board.
(N) State Marine Board.
(O) Mass transit district boards.
(P) Energy Facility Siting Council.
(Q) Board of Commissioners of the Port of Portland.
(R) Employment Relations Board.
(S) Public Employees Retirement Board.
(T) Oregon Racing Commission.
(U) Oregon Transportation Commission.
(V) Wage and Hour Commission.
(X) Workers’ Compensation Board.
(Y) Oregon Facilities Authority.
(Z) Oregon State Lottery Commission.
(BB) Columbia River Gorge Commission.
(CC) Oregon Health and Science University Board of Directors.
(q) The following officers of the State Treasury:
(A) Chief Deputy State Treasurer.
(B) Executive Assistant to the State Treasurer.
(C) Director of the Investment Division.

(r) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725 and 777.915 to 777.953.

(2) By April 15 next after the date an appointment takes effect, every appointed public official on a board or commission listed in subsection (1) of this section shall file with the
commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.

(3) By April 15 next after the filing deadline for the primary election, each candidate for elective public office described in subsection (1) of this section shall file with the commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.

(4) Within 30 days after the filing deadline for the general election, each candidate for elective public office described in subsection (1) of this section who was not a candidate in the preceding primary election, or who was nominated for elective public office described in subsection (1) of this section at the preceding primary election by write-in votes, shall file with the commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.

(5) The Legislative Assembly shall maintain a continuing review of the operation of this chapter.

(6) Subsections (1) to (5) of this section apply only to persons who are incumbent, elected or appointed officials as of April 15 and to persons who are candidates for office on April 15. Those sections also apply to persons who do not become candidates until 30 days after the filing deadline for the statewide general election.

(7)(a) Failure to file the statement required by this section subjects a person to a civil penalty that may be imposed as specified in ORS 183.745, but the enforcement of this subsection does not require the Oregon Government Standards and Practices Commission to follow the procedures in ORS 244.260 before finding that a violation of this section has occurred.

(b) Failure to file the required statement in timely fashion shall be prima facie evidence of a violation of this section.

(c) If within five days after the date on which the statement is to be filed under this section the statement has not been received by the commission, the commission shall notify the public official and give the public official not less than 15 days to comply with the requirements of this section. If the public official fails to comply by the date set by the commission, the commission may impose a civil penalty of $5 for each day the statement is late beyond the date fixed by the commission. The maximum penalty that may be accrued under this section is $1,000.

(d) A civil penalty imposed under this subsection is in addition to and not in lieu of sanctions that may be imposed under ORS 244.380. [1974 c.72 §§4, 4a; 1975 c.543 §3; 1977 c.588 §3; 1977 c.751 §16; 1979 c.374 §5; 1979 c.666 §6; 1979 c.697 §1; 1979 c.736 §1; 1979 c.829 §9b; 1987 c.373 §26; 1987 c.414 §148; 1987 c.566 §10; 1991 c.73 §2; 1991 c.160 §1; 1991 c.163 §1; 1991 c.470 §13; 1991 c.614 §2; 1993 c.500 §10; 1993 c.743 §11; 1995 c.79 §87; 1995 c.712 §94; 1997 c.652 §16; 1997 c.833 §22; 1999 c.59 §62; 1999 c.291 §28; 2001 c.104 §77; 2003 c.214 §1; 2003 c.784 §13; 2005 c.157 §6; 2005 c.217 §23; 2005 c.777 §14]
INSTRUCTIONS: Please read carefully!!

1. Pursuant to ORS 244.050, you **MUST** file this statement with the Oregon Government Ethics Commission (OGEC) if you will hold office on April 15, 2008. This applies even if you did not hold office during the calendar year 2007.

2. The information you report must reflect the economic interests you held at **any time during the calendar year January 1, 2007 through December 31, 2007.**

3. You may use and attach additional sheets if necessary to provide complete information.

4. Do not leave any sections blank. Please indicate “N/A” if the requested information does not apply to you.

5. Please provide your daytime telephone number in the space provided on page 5.

6. Please sign and date this statement at the bottom of page 5.

7. **PLEASE MAKE A COPY OF THE COMPLETED FORM AND RETAIN IT FOR YOUR OWN RECORDS.** Although there is no requirement that you do so, you may want to consider returning your completed Statement of Economic Interest to the OGEC by certified mail. Items sometimes become lost in the mail and certified mail receipts will assure that you will not be penalized if your statement is not received by the OGEC.

8. Please return this form to the Oregon Government Ethics Commission as soon as possible. **It must be postmarked no later than Tuesday, April 15, 2008.** Please contact the OGEC at 503-378-5105 if you have questions.

NOTE: Failure to complete and file this form by the final date for filing may subject you to an automatic civil penalty of $10.00 for each of the first 14 days the statement is late and $50.00 for each day thereafter, up to a maximum of $5,000. [ORS 244.350(4)(c)]. Additional sanctions may also apply [ORS 244.380].
DEFINITIONS

Please use the following definitions to assist you when completing the form:

1. **"Business"** means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual and any other legal entity operated for economic gain. This does not include income-producing not-for-profit corporations that are tax-exempt under section 501(c) of the Internal Revenue Code with which a public official or relative of a public official is associated in a non-compensated capacity.

2. **"Income"** means income of any nature derived from any source, including but not limited to any salary, wage, advance, payment, dividend, interest, rent, honorarium, return of capital, forgiveness of indebtedness, retirement income, real estate transactions, inheritance income, or anything of economic value received as income including income from government sources (i.e., social security, your public salary, etc.).

3. **"Legislative or Administrative Interest"** means an economic interest, distinct from that of the general public, in one or more bills, resolutions, regulations, proposals or other matters subject to the action or vote of the public official.

4. **"Relative"** means the spouse or domestic partner of the public official; any children, siblings, spouses of siblings or parents of the public official or of the public official's spouse; any individual for whom the public official has a legal support obligation; or an individual for whom the public official provides benefits arising from the public official's public employment or from whom the public official receives benefits arising from that individual's employment.

5. **"Person"** means, for purposes of this form, (a) the public official or candidate required to file a Statement of Economic Interest and (b) an individual, corporation, partnership, joint venture, and any other similar organization or association.

6. **"Member of Household"** means any person who resides with the public official.

7. **"Honoraria"** means a payment or something of economic value given to a public official in exchange for services, upon which custom or propriety prevents the setting of a price. Services include, but are not limited to, speeches or other services connected with an event where the public official appears in an official capacity.

1. **BUSINESS OFFICE OR DIRECTORSHIP; BUSINESS NAME**

   A. If you or a member of your household were an officer or director of a business (see definition of "business" above) during **2007**, please indicate the following:

<table>
<thead>
<tr>
<th>Held</th>
<th>Business Name</th>
<th>Business Address</th>
<th>Description of Business</th>
<th>Title of Office</th>
<th>By Whom</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1.</td>
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<td>3.</td>
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<td></td>
</tr>
</tbody>
</table>

   B. Please list the names under which you or members of your household did business (see definition of "business" above) during **2007**:

<table>
<thead>
<tr>
<th>Held</th>
<th>Business Name</th>
<th>Business Address</th>
<th>Description of Business</th>
<th>By Whom</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1.</td>
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<tr>
<td></td>
<td>3.</td>
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</tr>
</tbody>
</table>
2. **SOURCES OF INCOME**: (Be specific as to identification and description of each source.)
Identify the five most significant sources of income received by you or a member of your household during the 2007 calendar year. (See definition of "income" on page 2)

<table>
<thead>
<tr>
<th>Name of Source</th>
<th>Address of Source</th>
<th>Description of Source</th>
<th>Household Member</th>
<th>Who Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
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<tr>
<td>2.</td>
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<tr>
<td>4.</td>
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<tr>
<td>5.</td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

3. **MEMBERS OF HOUSEHOLD**: List the name of each member of the household who is 18 years of age or older. (See definition of "member of household" on page 2.)

1. ____________________________ 5. ____________________________
2. ____________________________ 6. ____________________________
3. ____________________________ 7. ____________________________
4. ____________________________ 8. ____________________________

4. **RELATIVES**: List the name of each relative who is 18 years of age or older who is not a member of the household. (See definition of "relative" on page 2.)

1. ____________________________ 6. ____________________________
2. ____________________________ 7. ____________________________
3. ____________________________ 8. ____________________________
4. ____________________________ 9. ____________________________
5. ____________________________ 10. ____________________________

5. **REAL PROPERTY**: List all real property (residential, commercial, vacant land, etc.) in which, during 2007, you or a member of your household had any ownership interest, any option to purchase or sell, or any other right of any kind in real property, including a land sales contract, located within the geographical boundaries of the public entity you serve. [Boundaries for filers from state agencies, boards, commissions or institutions would be the state borders.] Describe in general terms, i.e., size, location, boundary and use designation.) You are not required to list your principal residence.

<table>
<thead>
<tr>
<th>Description</th>
<th>Address</th>
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<tbody>
<tr>
<td>1.</td>
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<tr>
<td>2.</td>
<td></td>
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<tr>
<td>3.</td>
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</tr>
</tbody>
</table>
6. **SHARED BUSINESS WITH LOBBYIST:** List the name of any compensated lobbyist who was associated with a business with which you or a member of your household was also associated during 2007 (Note: Owning stock in a publicly traded company in which the lobbyist also owns stock is not a relationship that requires disclosure.)

<table>
<thead>
<tr>
<th>Name of Lobbyist</th>
<th>Name of Business</th>
<th>Type of Business</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. __________________________</td>
<td>__________________________</td>
<td>__________________________</td>
</tr>
<tr>
<td>2. __________________________</td>
<td>__________________________</td>
<td>__________________________</td>
</tr>
<tr>
<td>3. __________________________</td>
<td>__________________________</td>
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</tr>
</tbody>
</table>

7. **VALUE OF OFFICE RELATED EVENT:** If during 2007, you participated in any event bearing a relationship to your office and you appeared in your official capacity and the aggregate value of food, lodging and travel provided to you exceeded $157, list the event: (Note: Do not list if the expenses were reimbursed by your public employer.)

<table>
<thead>
<tr>
<th>Name of Event</th>
<th>Date of Event</th>
<th>Name and Address of Organization That Paid Expenses</th>
<th>Amount/Value of Expenses</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. __________________________</td>
<td>__________________________</td>
<td>__________________________</td>
<td>__________________________</td>
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<tr>
<td>2. __________________________</td>
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<td>3. __________________________</td>
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</tr>
</tbody>
</table>

8. **HONORARIA:** If you received honoraria (see definition of "honoraria" on page 2) of more than $50 during 2007, please list all such honoraria:

<table>
<thead>
<tr>
<th>Received from</th>
<th>Address</th>
<th>Description of Appearance or Service</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. __________________________</td>
<td>__________________________</td>
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<tr>
<td>2. __________________________</td>
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<tr>
<td>3. __________________________</td>
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<td>__________________________</td>
</tr>
</tbody>
</table>

**PLEASE NOTE – Do NOT answer items 9, 10 and 11 on the next page if the information requested does NOT involve:**

A. *An individual or business that did business with, or reasonably could be expected to do business with the public body you serve or over which you have authority; or*

B. *An individual or business with a legislative or administrative interest (see definitions, p. 2) in the public body you serve or over which you have authority.*
9. **DEBT OF $1,000 OR MORE**: If you or a member of your household owed a debt of $1,000 or more to a person (see definition of “person” on page 2) during 2007, list: (Note: Do not list loans from state or federally regulated financial institutions (banks, etc.) or retail credit accounts and do not list the amounts owed.)

<table>
<thead>
<tr>
<th>Name of Creditor</th>
<th>Date of Loan</th>
<th>Interest Rate of Loan</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.______________________________</td>
<td>__________________</td>
<td>__________________</td>
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<tr>
<td>2.______________________________</td>
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<tr>
<td>3.______________________________</td>
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<td>__________________</td>
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</tbody>
</table>

(Please refer to instructions in the box at the bottom of page 4.)

10. **BUSINESS INVESTMENT OF MORE THAN $1,000**: If you or a member of your household had a personal, beneficial interest or investment in a business (see definition of “business” on page 2) of more than $1,000 during 2007, list: (Note: DO NOT list the amount of the investment. DO NOT list individual items in a mutual fund or blind trust, or a time or demand deposit in a financial institution, shares in a credit union, or the cash surrender value of life insurance.)

<table>
<thead>
<tr>
<th>Business Name</th>
<th>Address</th>
<th>Description of Business</th>
</tr>
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<tbody>
<tr>
<td>1.______________________________</td>
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<td>2.______________________________</td>
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<td>3.______________________________</td>
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</tbody>
</table>

(Please refer to instructions in the box at the bottom of page 4.)

11. **SERVICE FEE OF MORE THAN $1,000**: List each person (see definitions, page 2) for whom you performed a service for a fee of more than $1,000 in 2007. (Note: DO NOT list fees if you are prohibited from doing so by law or a professional code of ethics.)

<table>
<thead>
<tr>
<th>Name</th>
<th></th>
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<tbody>
<tr>
<td>1.______________________________</td>
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<td>2.______________________________</td>
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<td>3.______________________________</td>
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</tbody>
</table>

(Please refer to instructions in the box at the bottom of page 4.)

12. **VERIFICATION** Under penalties for false swearing/false affirmation, I declare that the information submitted in this document is, to the best of my knowledge and belief, true, accurate and complete.

_________________________________________________          __________________
(Signature)                                         (Date)

_________________________________________________
(Daytime Telephone Number)

Return form to:

Oregon Government Ethics Commission
3218 Pringle Rd. SE, Suite 220            Telephone: 503-378-5105
Salem, OR 97302-1544
QUARTERLY PUBLIC OFFICIAL DISCLOSURE
(Reports are due on the 15th of the month following each quarter)

☐ January 1 – March 31 Reporting Period
☐ April 1 – June 30 Reporting Period
☐ July 1 – September 30 Reporting Period
☐ October 1 – December 31 Reporting Period

Section 1
(Please insert information as it appears on the mailing label on your Statement of Economic Interest form. See instruction sheet for detail.)

Name: _____________________________________________
(please print)

Jurisdiction __________________________________________

Public Position Held ___________________________________

Address _____________________________________________ ☐ check here if address correction

Under penalties of false swearing/false affirmation, I declare that the information submitted in this document is, to the best of my knowledge and belief, true, accurate and complete.

Signature ______________________________________Date ______________________________________

Telephone No. ______________________________

Section 2

A. Please indicate the amount of any expenses with an aggregate value exceeding $50 provided to you when participating in a convention, mission, trip or other meeting as described in ORS 244.020(5)(b)(F), which is an exception to gift restrictions. Attach a copy of the notice of value required to be given to you by the provider. (See instruction sheet for detail.)

<table>
<thead>
<tr>
<th>Date</th>
<th>Organization Name</th>
<th>Address</th>
<th>Nature of Event</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
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</table>
B. Please indicate the amount of any expenses with an aggregate value exceeding $50 provided to you when participating in a mission or negotiations or economic development activities described in 244.020(5)(b)(H), which is an exception to gift restrictions. *(See instruction sheet for detail.)*

<table>
<thead>
<tr>
<th>Date</th>
<th>Organization Name</th>
<th>Address</th>
<th>Nature of Event</th>
<th>Amount</th>
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<tbody>
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C. Please list all honoraria allowed in ORS 244.042, exceeding $15, received by you or a member of your household. Attach a copy of the notice of value required to be given to you by the provider. *(See instruction sheet for detail.)*

<table>
<thead>
<tr>
<th>Date</th>
<th>Organization Name</th>
<th>Nature of Event</th>
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</table>

D. Please list each source of income exceeding an aggregate of $1000 received by you or a member of your household, if the source of that income is derived from an individual or business that has been doing business, does business or could reasonably be expected to do business with, or has a legislative or administrative interest in the governmental body you serve (or would hold if elected). ORS 244.100 *(See instruction sheet for detail.)*

<table>
<thead>
<tr>
<th>Income Source</th>
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<th>Description</th>
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RESOLUTION ADOPTING A CODE OF CONDUCT/CONFLICT OF INTEREST POLICY.

WHEREAS, the City of Redmond recognizes that members, officers, employees, designees and agents shall abide by a code of conduct that prohibits them from benefiting from their position with the City of Redmond;

NOW, THEREFORE, THE REDMOND CITY COUNCIL RESOLVES AS FOLLOWS:

SECTION ONE - CONFLICT OF INTEREST INVOLVING ELECTED AND APPOINTED OFFICERS

No City Councilor, Commission Member or Officer of the City of Redmond shall have any interest in any contract or subcontract by and between the City of Redmond and any state or federal agency, or the proceeds thereof, for work to be performed unless such Councilor, Member or Officer discloses such conflict and abstains from voting on the contracts or related matters. The City shall incorporate, or cause to be incorporated, in all such contracts or subcontracts a provision requiring such action pursuant to the purposes of this covenant.

SECTION TWO - CONFLICT OF INTEREST INVOLVING EMPLOYEES

Employees of the City of Redmond shall not use their position for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others with whom they have family, business or other ties.

APPROVED by the City Council and SIGNED by the Mayor this 23rd day of June, 1992.

ROBERT C. RIGGS, Mayor

ATTEST:

NANCY BLANKENSHIP, City Recorder

PAGE 1 - RESOLUTION NO. 92-10
MEMORANDUM

TO: Redmond City Council, Boards, Commissions and Department Heads
FROM: Bryant, Emerson & Fitch
DATE: October 21, 1996
RE: Conflict of Interest

A (NOT SO) SHORT OVERVIEW OF ORS CHAPTER 244 CONFLICT OF INTEREST RULES.

Several council members have asked us to provide some assistance regarding the conflict of interest rules generally, and in determining when a conflict exists and whether that conflict is potential or actual. The following information is designed to enable you to determine whether you have a conflict and the nature of that conflict by working through a series of four questions.

1. Do the conflict of interest rules apply to me?

The statutes governing conflicts of interest apply to anyone acting in a capacity as a "public official," regardless of whether that person is paid.1 "Public official" includes any person who is serving the state of Oregon, a political subdivision, or any other public body of the state as:

(a) an officer;
(b) an employee;
(c) an agent; or
(d) otherwise.

The key to determining whether you are a "public official" subject to the statutes lies in the question of whether you are "serving the State of Oregon or any of its political subdivisions or any other public body of the state."2 The list of positions set out in the statute is simply intended to be all-inclusive of those people "serving" the government.

---

1 ORS 244.020(1), (7), & (15).
2 ORS 244.020(15); 46 Or AG Op 350 (1990).
Whether you are "serving" the government should be straight forward in most instances. Council members, commission members (e.g., planning, parks and airport commissions), committee and subcommittee members, city attorney, real estate agent of record, to name a few, while acting in those capacities will be typically serving the government. In addition, the Oregon Government Standards and Practices Commission (OGSPC) has repeatedly stated its view that the conflict of interest rules apply to all employees of the public body.1

The difficulty often arises with individuals on the fringe of governmental service. The OGSPC has historically taken a broad view of "public official" to include every person who provides contractual services to the government. However, the Attorney General believes that whether governmental contractors can be public officials depends upon whether they are "serving" the government or rather providing a service to the government.2 The analysis of this issue is beyond the scope of this memorandum. If a contractor is uncertain whether these statutes may be applicable to its contract, it should consult with the OGSPC or its own attorney.

2. Do I have a conflict of interest?

Assuming that you are a "public official," the next question is whether there is a conflict of interest. This is often the most difficult question for public officials. However, it can be easier if the process is broken down into smaller questions.

A. Am I taking an action, making a decision, or making a recommendation?

In most cases it should be clear when you are involved in taking action or making a decision.3 It is important to remember, however, that the conflict rules also apply when making a

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1 ORS 244.020(15); OGSPC Public Official Guide, December, 1993; Molin v. Oregon Government Ethics Commission, 128 Or App 681 (1994) (investigation and fine against state police officer for violations of ORS chapter 244).

2 46 Or AG Op 350 (1990). However, the public official should not rely exclusively on the attorney general’s analysis. The OGSPC has exclusive authority to interpret the statutes. ORS 244.280. The public official can request a written determination from the OGSPC, which will then bind the commission. ORS 244.280.

3 An "action" has been broadly defined and includes a public official’s decision to abstain. 38 Or AG Op 1995 (1978).
recommendation in your capacity as a public official. Therefore, recommendations and the discussions surrounding those recommendations, whether by commissions, subcommittees or city staff, fall within this area.

B. Could the effect of the action, decision or recommendation be of private pecuniary benefit (either creating a financial benefit or avoiding financial detriment) to:

(1) the public official;

(2) a business with which the public official is associated;

(3) a relative of the public official;

(4) a business with which a relative of the public official is associated;

The breadth of coverage under the statute can be staggering. The public official must not only consider the benefit to him or her but also to relatives. Relatives include spouse, children of either the public official or the public official's spouse, and brothers, sisters or parents of the public official or the public official's spouse. Having identified this expansive network of people, the public official must also take into consideration the impact on any business with which any of the identified individuals are associated.

A "business with which a public official or relative is associated" means any business for which the person:

(a) is a director, officer, owner, employee, or agent, or
(b) any corporation in which the person owns or has own stock worth $1,000 or more at any point in the preceding calendar year.6

Business includes any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual and any other legal entity operated for economic gain with which a public official or relative is associated in a non-renumerative capacity.7

Having identified the applicable individuals and business, the next question is could the effect of the action, decision, or recommendation be of financial benefit or detriment to any of those individuals or businesses. A benefit "could" result if there is a

6 244.20(3)
7 ORS 244.020(3).
reasonable possibility of financial impact on the official, a relative or a business which the official or official’s relative is associated. The analysis of conflict would likely be assessed using an objective test. In conducting this analysis, the term "could" would include future possibility as well as present possibility. In addition, there may be situations where a benefit could result even though other actions must be taken by others to bring about the benefit.  

C. Is there an exception of the conflict rules?  

Even if you determine that there is a conflict of interest, you must consider whether an exception to the conflict rules applies. The action, decision or recommendation is not considered a conflict of interest if the conflict arises out of:

(a) membership in the organization or business that is required as a condition of participation by the public official;  

(b) any action by the public official that would affect to the same degree all members of a designated class;  

(c) membership in or membership on the board of directors of a nonprofit corporation that is tax exempt under section 501(c) of the Internal Revenue Code.  

The most difficult determination will be whether you are a member of a class and whether all members are equally impacted by the decision or recommendation. Unfortunately, each situation turns on its own facts. Moreover, only the OGSPC is authorized to determine the existence of a class of the purpose of compliance with ORS Chapter 244.  

The best example of a class decision or recommendation would

11 ORS 244.020(1); ORS 244.020(7).  
12 ORS 244.020(7)(a); Knutson Towboat Co. v. Board of Maritime Pilots, 131 Or App 364 (1994).  
13 ORS 244.020(7)(b).
be one addressing property taxes. Although such a decision or recommendation would likely benefit the public official, it would equally impact the class of property taxpayers.

3. Is the conflict potential or actual?

The distinction between potential and actual conflicts lies in the distinction between "could" and "would." The conflict is potential if the effect of the action, decision or recommendation "could" or there is a reasonable possibility that it will be of pecuniary benefit or detriment to one of the targeted individuals or businesses. The conflict is actual if the effect of the action, decision or recommendation "would" or is reasonably certain to result in a financial benefit or detriment to a member of that group. An actual conflict is most likely to exist when action is taken that directly and specifically affects real property, a business, or any other financial interest of the public official, a relative, of a business which the official or a relative is associated.14

4. How do I deal with the conflict of interest?

How the conflict is handled depends upon the position held by the public official.

A. Elected Officials and Appointed Members of Boards and Commissions:

(1) Potential Conflicts: Announce publicly, on the record, the nature of the potential conflict prior to taking any action on that matter (this includes discussion or debate).15 Moreover, the public official cannot avoid the disclosure requirement by abstaining.16 Make sure that the subsequent minutes reflect the disclosure.17

(2) Actual Conflicts:

(a) Announce publicly, on the record, the nature of the actual conflict, (again, make sure that the minutes reflect the disclosure);

15 ORS 244.120(2)(a).
17 ORS 244.130.
(b) Refrain from participating as a public official in any discussion or debate on the issue out of which the actual conflict arises;

(c) Refrain from voting on the issue unless the public official’s vote is necessary to meet a quorum requirement.18

B. Other Appointed Officials (Including Employees):

Notify in writing the person who appointed the public official to office of the nature of the conflict and request that the appointing authority dispose of the matter giving rise to the conflict. The appointing authority may designate an alternate to dispose of the matter or may direct the official to dispose of the matter in a specified manner.19

C. Planning Commission Members:

In addition to the requirements as an appointed official, ORS chapter 244 sets out the method of handling certain potential or actual conflicts by planning commission members.20

If the planning commission member, spouse, relative21 business in which the member has served or has served within the previous two years, or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment has a "direct or substantial financial interest," the member must:

(1) Disclose at the meeting of the commission where the action is being taken or potential conflict; and

(2) Not participate in that commission proceeding or action in which the conflict arises.

18 ORS 244.120(2)(b); Knutson Towboat Co. v. Board of Maritime Pilots, 131 Or App 364 (1994).
19 ORS 244.120(1)(c).
20 ORS 244.135.
21 A relative under ORS 244.135 is defined more narrowly than in ORS 244.020(16). Under ORS 244.135 a relative includes a spouse, brother, sister, child, parent, father-in-law and mother-in-law.
D. Judges:

Judges are to remove themselves from the case giving rise to the conflict or advise the parties of the nature of the conflict.22

4. What happens if I fail to disclose the conflict?

The failure to disclose a conflict of interest does not void the decision or action by the public official or the board or commission solely by reason of the failure to disclose the conflict or interest.23 However, it certainly could be part of the basis for a challenge of the action or decision.

In addition, the OGSFC may also seek civil penalties against the public official and forfeiture of twice the financial benefit to the public official.24 The public body is not required to defend the public official.25 However, if the public official prevails in an enforcement action or lawsuit, the court must award reasonable attorney fees to the public official at the conclusion of the contested case or on appeal.26

22 ORS 244.120(1)(c); Eastgate Theater v. Board of County Commissioners, 13 Or App 745 (1978).
23 ORS 244.130(2); Knutson Towboat Co. v. Board of Maritime Pilots, 131 Or App 364 (1994).
24 ORS 244.350; ORS 244.360; See Moine v. Oregon Government Ethics Commission, 128 Or App 681 (1994) (state police officer assessed civil penalties of $9,000 and forfeiture of $90,437).
26 ORS 244.400.
METHOD OF HANDLING ACTUAL OR POTENTIAL CONFLICTS

244.120 Methods of handling conflicts; generally; application to elected officials or members of boards. (1) Except as provided in subsection (2) of this section, when met with an actual or potential conflict of interest, a public official shall:
   (a) If the public official is a member of the Legislative Assembly, announce publicly, pursuant to rules of the house of which the public official is a member, the nature of the conflict before taking any action thereon in the capacity of a public official.
   (b) If the public official is a judge, remove the judge from the case giving rise to the conflict or advise the parties of the nature of the conflict.
   (c) If the public official is any other appointed official subject to this chapter, notify in writing the person who appointed the public official to office of the nature of the conflict, and request that the appointing authority dispose of the matter giving rise to the conflict. Upon receipt of the request, the appointing authority shall designate within a reasonable time an alternate to dispose of the matter, or shall direct the official to dispose of the matter in a manner specified by the appointing authority.
   (2) An elected public official, other than a member of the Legislative Assembly, or an appointed public official serving on a board or commission, shall:
      (a) When met with a potential conflict of interest, announce publicly the nature of the potential conflict prior to taking any action thereon in the capacity of a public official; or
      (b) When met with an actual conflict of interest, announce publicly the nature of the actual conflict and:
         (A) Except as provided in subparagraph (B) of this paragraph, refrain from participating as a public official in any discussion or debate on the issue out of which the actual conflict arises or from voting on the issue.
         (B) If any public official’s vote is necessary to meet a requirement of a minimum number of votes to take official action, be eligible to vote, but not to participate as a public official in any discussion or debate on the issue out of which the actual conflict arises.
   (3) Nothing in subsection (1) or (2) of this section requires any public official to announce a conflict of interest more than once on the occasion which the matter out of which the conflict arises is discussed or debated.
   (4) Nothing in this section authorizes a public official to vote if the official is otherwise prohibited from doing so. [1974 c.72 §10; 1975 c.543 §7; 1987 c.566 §15; 1993 c.743 §15]

244.130 Recording of notice of conflict; effect of failure to disclose conflict; rules. (1) When a public official gives notice of an actual or potential conflict of interest, the actual or potential conflict shall be recorded in the official records of the public body, and a notice of the actual or potential conflict and how it was disposed of may in the discretion of the public body be provided the Oregon Government Standards and Practices Commission within a reasonable period of time. The commission may by rule establish criteria for cases in which such information shall, shall not, or may be provided to it.
   (2) No decision or action of any public official or any board or commission on which the public official serves or agency by which the public official is employed shall be voided by any court solely by reason of the failure of the public official to disclose an actual or potential conflict of interest. [1974 c.72 §11; 1975 c.543 §8; 1993 c.743 §16]

244.135 Method of handling conflicts by planning commission members. (1) A member of a city or county planning commission shall not participate in any commission proceeding or action in which any of the following has a direct or substantial financial interest:
   (a) The member or the spouse, brother, sister, child, parent, father-in-law, mother-in-law of the member;
(b) Any business in which the member is then serving or has served within the previous two years; or

(c) Any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.

(2) Any actual or potential interest shall be disclosed at the meeting of the commission where the action is being taken. [Formerly 215.035 and 227.035]
The Citizen Connection

Brought to you by the League’s Past Presidents Group

WHAT'S YOUR ETHICS IQ?
by DI Lyn Larsen-Hili, LOC President 1985

As an elected official, you are constantly challenged with situations where you must make tough decisions. An important component of those decisions is whether or not you must declare a potential or actual conflict of interest in order to abide by the state statutes that govern your performance as an elected official.

Try your hand at this little test of some of those rules:

After months of negotiations, a city enters into a multi-million dollar contract with a contractor to build a new city hall. The contractor owns a condominium at an upscale destination resort which normally rents for $350 per day. The contractor invites the mayor and family to use the condo free of charge for a week. The mayor accepts the contractor's offer.

a) There is not a problem for the mayor because food, lodging and travel expenses are exempt from statutory gift restrictions.
b) There is not a problem for the mayor because there is no longer an administrative interest between the city and the contractor since negotiations were completed.
c) The mayor violated state law which prohibits public officials from receiving gifts which excise a value of $100 in a calendar year from a source that has an economic interest distinct from the general public in the officials' duties.
d) The mayor should have publicly disclosed a conflict of interest prior to accepting the offer.

Did you get the right answer? Now try this one:

Oregon state law permits city councils and other governing bodies to meet in executive session for the purpose of setting the compensation of the city manager and other administrative personnel.

True ______ False ______

How about this one:

Oregon Public Meetings law permits the governing bodies of public bodies to meet in executive session for which of the following purposes:

a) To discuss "perilous" issues
b) To permit members to confer regarding litigation
c) To consider the hiring of a chief executive officer
d) To consider any matter that may be sensitive or embarrassing to others
e) None of the above
f) All of the above

(Answers: #1 - c; #2 - False; #3 - e, none of the above)

The area of ethics poses a constant challenge to elected officials. While it is your individual responsibility to understand the statutes that govern your performance while in office, the League of Oregon Cities, the LOC Past Presidents, and the Governmental Standards and Practices Commission continually offer training sessions around the state to assist you. By the time you read this article, the Local Governance Institute workshops will be underway around the state. I certainly hope everyone is taking advantage of these excellent training programs, which are for newly-elected officials as well as those who have been all the heap for some time and simply need a refresher course.

I, currently serve on the Oregon Governmental Standards and Practices Commission, a seven-member group of representatives from across the state. Two of us represent local government; myself, and former Lake Oswego Mayor Alice Schlenker. We both have been amazed and somewhat dismayed by the growing number of city councilors and mayors who appear before the GSPC on allegations of charges. We constantly encourage the GSPC to offer more educational opportunities for elected officials to help you do the job you were elected to do, and to help you stay out of hot water.

The best advice I can offer is this: when faced with an uncertainty about your possible conflict of interest, run your situation by the GSPC. The stuff is willing and able to address your concerns before you vote on an issue that may indeed contain a conflict of interest for you. Call the GSPC at (503) 371-5105 and take advantage of our free ad training offered by the League and the GSPC. The benefits are innumerable, and you can go about performing your duties of office with peace of mind.
ETHICS QUIZ

Are you a public official? Are you serving the City of Redmond as an officer, employee, agent, or otherwise, irrespective of whether you are being compensated for your services? Public Official, as defined under the Oregon Government Standards and Practices (OGSP) statutes, covers a broad spectrum of positions.

Below are some “food for thought” situational studies regarding Oregon Government Standards and Practices law prepared by the OGSP office based on cases and questions they have handled. Good luck!

The City Recorder’s office, December 2006

1. A city purchased a fleet of several new 4x4 pickups. The Public Works Director knew that one of his foremen had been shopping to buy the identical make and model of truck. The Director asked the vendor’s representative if the employee could purchase a truck for himself at the city’s deeply discounted fleet price. The representative agreed and the employee purchased a truck.

   a. The Employee did nothing wrong because the transaction was arranged for and condoned by the supervisor.

   b. There was no problem because the employee did not seek out the offer.

   c. The employee violated the law which prohibits public officials from using official position for personal financial gain.

   d. None of the above.

2. A welfare agency client is trying to locate rental housing. Assisting clients with locating housing is part of caseworkers’ routine duties. The client’s caseworker’s parents have a rental unity available. After obtaining approval from a supervisor, the employee puts the client and the employee’s parents in contact with each other and they enter into a rental agreement.

   a. The employee did nothing wrong because he/she obtained supervisory approval beforehand.

   b. The employee violated the statutory requirement of notifying the appointing authority in writing of a conflict of interest.

   c. The employee violated the law because the action resulted in monetary benefit to the employee’s parents.

   d. Both B and C.
3. A Police Chief needs to purchase several new patrol cars. The Chief’s brother is the Ford dealer in town. The brother offers to sell the new vehicles to the city for $500 per unit less than the state contract price so it is a bargain for the city. The Chief purchases the cars and his brother, the dealer, makes a profit. The Chief:

a. Did nothing wrong because the city saved money.

b. Violated state law which prohibits using official position for the financial benefit of a relative or a business with which a relative is associated.

c. Should have notified the Chief’s appointing authority in writing of an actual conflict of interest.

d. Both B and C.

4. Prior to convening the City Council into an executive session, the Mayor is required to say only “the Council will now go into Executive Session pursuant to ORS 192.660.”

True _____ False _____

5. A public employee is assigned a cellular telephone by her employing agency. The employee does not have a personal cell phone. With the approval of the employee’s supervisor, the employee uses the cell phone to send and receive personal phone calls. The employee reimburses the agency for the cost of the air time for the personal calls each month.

a. The arrangement is perfectly acceptable because there is no cost/loss to the agency.

b. The agency cell phone is for official business and the employee should not use it for personal purposes, period.

c. The employee is in violation of the provision of Government Standards and Practices law which prohibits public officials from using official position for personal financial gain or the avoidance of financial detriment because the employee does not have to pay the costs of purchasing a cell phone and a monthly service fee.

d. None of the above.

6. Oregon state law permits City Councils and other governing bodies of public bodies to meet in Executive Session for the purpose of setting the compensation of the City Manager and other administrative personnel.

True _____ False _____

7. A close friend of a public employee lives 12,000 miles away in the Persian Gulf. The friends like to stay in touch with each other on a regular basis but, long distance rates are very high, $1.50 to $2.00 per minute. The friend overseas has Internet access at home while the public employee does not. The employee’s public agency
does, however, have Internet access. The employee, during non-working hours, communicates with the friend via the agency Internet access once a week. Each communication saves the employee $15 to $20 in international long distance fees.

a. The employee did nothing wrong because the E-mail was prepared and sent on the employee’s own time.

b. The employee did nothing wrong because there were no costs incurred by the agency.

c. The employee violated the law because, but for being employed by the public agency, the employee would not have been able to use the agency’s Internet access and avoid incurring long distance telephone costs at home.

d. Both A and B.

8. After months of negotiations, a county enters into a multi-million dollar contract with a contractor to build a new administration building. The contractor owns a condominium at an upscale destination resort which normally rents for $275 per day. The contractor invites the county Facilities Director and family to use the condo free of a charge for a week. The public official accepts the contractor’s offer.

a. There is not a problem for the official because food, lodging, and travel expenses are exempt from statutory gift restrictions.

b. There is not a problem for the official because there was no longer an administrative interest between the official and the contractor since negotiations were completed.

c. The official violated state law which prohibits public officials from receiving gifts which exceed a value of $100 in a calendar year from a source which has an economic interest from the general public in the official’s duties.

d. The official should have notified the appointing authority in writing prior to accepting the offer.

9. Oregon Public Meetings law permits the governing bodies of public bodies to meet in Executive Session for which of the following purposes:

a. To discuss “personnel” issues.

b. To permit members to confer regarding litigation.

c. To consider the hiring of a Chief Executive Officer.

d. To consider any matter that may be sensitive or embarrassing to others.

e. None of the above.

f. All of the above.
League of Oregon Cities
“Handbook for Oregon City Councilors”

This is a separate binder
Current Council/Commissions List

G:\Recorder\Document\Records\Lists\Commissioners List.pdf
INSERT

Current Phone Directories

http://citylink/index.php?option=com_content&task=view&id=20&Itemid=55
The a-b-c's of
PARLIAMENTARY
PROCEDURE

I rise to
a point of
order!

Margery A. Price, CMC/RP
Registered Parliamentarian
5711 W. Payette
Kennewick, Washington 99336
(509) 783-3727
**What is Parliamentary Procedure?**

It's a set of rules for conducting business at meetings and public gatherings.

**Parliamentary Procedure Has a Long History**

**It Originated** in the early English Parliaments.

**It Came to America** with the first European settlers.

**It Became Uniform** in 1876, when Henry M. Robert published his manual on Parliamentary Law.

Today, Robert's Rules of Order Newly Revised, 9th Edition, is the basic handbook of operation for many clubs, organizations and other groups.

Note: A glossary and index are on page 14.
Because it allows everyone to be heard and to make decisions without confusion.

**Why is Parliamentary Procedure Important?**

**Parliamentary Procedure Means:**

- Democratic Rule
- Flexibility
- Protection of Rights
- A fair hearing for everyone.

It can be adapted to fit the needs of any organization.

So, it's important for everyone to know these basic rules!
A FIXED AGENDA, or order of business, is generally followed by organizations using parliamentary procedure. Here's a typical example:

1. **CALL TO ORDER**
   If a quorum* is present, the chair (the person conducting the meeting) says, "The meeting will come to order."

2. **MINUTES**
   The secretary reads a record of the previous meeting.

3. **OFFICERS' REPORTS**
   This is often limited to a report from the treasurer, but others may report at this time.

4. **COMMITTEE REPORTS**
   First come reports from standing (permanent) committees, then from special (temporary) committees.

5. **SPECIAL ORDERS**
   This is important business previously designated for consideration at this meeting.

6. **UNFINISHED BUSINESS**
   This is business that has come over from the previous meeting.

7. **NEW BUSINESS**
   New topics are introduced.

8. **ANNOUNCEMENTS**
   These inform the assembly (the people at the meeting) of other subjects and events.

9. **ADJOURNMENT**
   The meeting ends by a vote or by general consent (or by chair's decision if time of adjournment was prearranged by vote).

---

*A QUORUM* is the number or percentage of members that must be present for business to be conducted legally. The actual number is usually stated in the bylaws.
They make motions. A motion is a proposal that the assembly take a stand or take action on some issue. Members have a right to:

**PRESENT MOTIONS**
(make a proposal)

I move that...

**SECOND MOTIONS**
(express support for discussion of another member’s motion)

Second.

**DEBATE MOTIONS**
(give opinions on the motion)

I think...

**VOTE ON MOTIONS**
(make a decision)

All those in favor...
There are 5 General Types of Motions

1. **Main Motions**
   These introduce subjects for consideration. They cannot be made when another motion is before the assembly. They yield to privileged, subsidiary and incidental motions.
   For example:
   - I move that we purchase...

2. **Subsidiary Motions**
   These change or affect how the main motion is handled.
   (They are voted on before the main motion.)
   For example:
   - I move to amend the motion by striking out...

3. **Privileged Motions**
   These concern special or important matters not related to pending business. In general, they are considered before other types of motions.
   For example:
   - I move we adjourn...

4. **Incidental Motions**
   These are questions of procedure that arise out of other motions. They must be considered before the other motion.
   For example:
   - I move to suspend the rules for the purpose of...

5. **Motions That Bring a Question Again Before the Assembly**
   These enable certain items to be reconsidered. In general, they are brought up when no business is pending.
   For example:
   - I move to reconsider...
Some Questions Relating to Motions:

**Is It In Order?**
Your motion must relate to the business at hand and be presented at the right time. It must not be obstructive, frivolous or against the bylaws.

**May I Interrupt The Speaker?**
Some motions are so important that the speaker may be interrupted to make them. The original speaker regains the floor after the interruption has been attended to.

**Do I Need A Second?**
Usually, yes. A second indicates that another member would like to consider your motion. It prevents spending time on a question that interests only one person.

**Is It Debatable?**
Parliamentary procedure guards the right to free and full debate on most motions. However, some subsidiary, privileged and incidental motions are not debatable.

**Can It Be Amended?**
Some motions can be changed by striking out or inserting wording, or both. Amendments must relate to the subject as presented in the main motion.

**What Vote Is Needed?**
Most require only a majority vote (more than half the members present and voting). But, motions concerning the rights of the assembly or its members need a ⅔ vote to be adopted.

**Can It Be Reconsidered?**
Some motions can be debated again and revoted to give members a chance to change their minds. The motion to reconsider must come from the winning side.

The table on pages 8 and 9 answers these questions for some specific motions.
Here's what happens when you want a motion considered:

1. **You Obtain the Floor**
   - Wait until the previous speaker is finished.
   - Rise and address the chair. Say, "Mr. (or Madam) Chairperson" or "Mr. (or Madam) President."
   - Give your name. The chair will recognize you by repeating it.

2. **You Make Your Motion**
   - Speak clearly and concisely.
   - State your motion affirmatively. Say, "I move that we do..." instead of "I move that we do not..."
   - Stay on the subject and avoid personal attacks.

---

**HOW DO I MOTION?**
3. **You Wait for a Second**

- Another member will say, “I second the motion.”
- Or, the chair will call for a second.
- If there is no second, your motion will not be considered.

Motions made at the direction of a board or committee (of more than one person) do not require a second.

4. **The Chair States Your Motion**

- The chair must say, “It is moved and seconded that we…”
- After this happens, debate or voting can occur.
- Your motion is now “assembly property,” and you can’t change it without consent of the members.

5. **You Expand on Your Motion**

- As the person who made the motion, you are allowed to speak first.
- Direct all comments to the chair.
- Keep to the time limit for speaking.
- You may speak again after all other speakers are finished.
- You may speak a third time by a motion to suspend the rules with a 2/3 vote.

6. **The Chair Puts the Question**

- The chair asks, “Are you ready for the question?”
- If there is no more debate, or if a motion to stop debate is adopted, a vote is taken.
- The chair announces the results.
THE METHOD OF VOTING ON A MOTION depends on the situation and on the bylaws of your organization. You may vote by:

**VOICE**
The chair asks those in favor to say “aye” and those opposed to say “no” (for majority votes only). A member may move for an exact count.

**SHOW OF HANDS**
Members raise their hands to verify a voice vote, or as an alternative to it. This does not require a count. A member may move for an exact count.

**ROLL CALL**
If a record of each person’s vote is needed, each member answers “yes,” “no” or “present” (indicating the choice not to vote) as his or her name is called.

**BALLOT**
Members write their vote on a slip of paper. This is done when secrecy is desired.

**GENERAL CONSENT**
When a motion isn’t likely to be opposed, the chair says, “If there is no objection…” Members show consent by their silence.

If someone says, “I object,” the matter must be put to a vote.
A question (motion) is pending when it has been stated by the chair but not yet voted on. The last motion stated by the chair is the first pending. The main motion is always the last voted on.

**A Motion to Lay on the Table**
This motion is used to lay something aside temporarily to take care of a more urgent matter. It should not be used to prevent debate or to kill a question.
Members can "take from the table" a motion for reconsideration. This must happen by the end of the current or next session (depending on how soon the next session is scheduled).

**A Motion to Postpone Indefinitely**
This is parliamentary strategy. It allows members to dispose of a motion without making a decision for or against. This is useful in case of a badly chosen main motion for which either a "yes" or "no" vote would have undesirable consequences.
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**PARLIAMENTARY PROCEDURE HELPS GET THINGS DONE**

- **Make motions**
  that are in order.

- **Obtain the floor**
  properly.

- **Speak**
  clearly and concisely.

- **Obey**
  the rules of debate.

And, most of all, be courteous.

**That’s always in order!**
Here are some motions you might make, how to make them, and what to expect of the rules.

<table>
<thead>
<tr>
<th>TO DO THIS:</th>
<th>YOU SAY THIS:</th>
<th>MAY YOU INTERRUPT THE SPEAKER?</th>
<th>DO YOU NEED A SECOND?</th>
<th>IS IT DEBATABLE?</th>
<th>CAN IT BE AMENDED?</th>
<th>WHAT VOTE IS NEEDED?</th>
<th>CAN IT BE RECONSIDERED?</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADJOURN MEETING</td>
<td>&quot;I move that we adjourn.&quot;</td>
<td>NO</td>
<td>YES</td>
<td>NO</td>
<td>NO</td>
<td>MAJORITY</td>
<td>NO</td>
</tr>
<tr>
<td>CALL AN INTERMISSION</td>
<td>&quot;I move that we recess for...&quot;</td>
<td>NO</td>
<td>YES</td>
<td>NO</td>
<td>YES</td>
<td>MAJORITY</td>
<td>NO</td>
</tr>
<tr>
<td>COMPLAIN ABOUT HEAT, NOISE, ETC.</td>
<td>&quot;I rise to a question of privilege.&quot;</td>
<td>YES</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO VOTE</td>
<td>NO</td>
</tr>
<tr>
<td>TEMPORARILY SUSPEND CONSIDERATION OF AN ISSUE</td>
<td>&quot;I move to table the motion.&quot;</td>
<td>NO</td>
<td>YES</td>
<td>NO</td>
<td>NO</td>
<td>MAJORITY</td>
<td>NO</td>
</tr>
<tr>
<td>END DEBATE AND AMENDMENTS</td>
<td>&quot;I move the previous question.&quot;</td>
<td>NO</td>
<td>YES</td>
<td>NO</td>
<td>NO</td>
<td>MAJORITY</td>
<td>YES^1</td>
</tr>
<tr>
<td>POSTpone DISCUSSION FOR a CERTAIN TIME</td>
<td>&quot;I move to postpone the discussion until...&quot;</td>
<td>NO</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>MAJORITY</td>
<td>YES^1</td>
</tr>
<tr>
<td>GIVE CLOSER STUDY OF SOMETHING</td>
<td>&quot;I move to refer the matter to committee.&quot;</td>
<td>NO</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>MAJORITY</td>
<td>YES^1</td>
</tr>
<tr>
<td>AMEND A MOTION</td>
<td>&quot;I move to amend the motion by...&quot;</td>
<td>NO</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>MAJORITY</td>
<td>YES^1</td>
</tr>
<tr>
<td>INTRODUCE BUSINESS</td>
<td>&quot;I move that...&quot;</td>
<td>NO</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>MAJORITY</td>
<td>YES^1</td>
</tr>
</tbody>
</table>

**The motions listed above are in order of precedence. Below, there is no order...**

| PROTEST BREACH OF RULES OR CONDUCT | "I rise to a point of order." | YES | NO | NO | NO | NO VOTE | NO |
| VOTE ON A RULING OF THE CHAIR     | "I appeal from the chair's decision." | YES | YES | YES | NO | MAJORITY | YES |
| SUSPEND RULES TEMPORARILY         | "I move to suspend the rules so that..." | NO | YES | NO | NO | 2/3 | NO |
| AVOID CONSIDERING AN IMPROPER MATTER | "I object to consideration of this motion." | YES | NO | NO | NO | 2/3 | YES |
| VERIFY A VOICE VOTE BY HAVING MEMBERS STAND | "I call for a division," or "Division!" | YES | NO | NO | NO | NO VOTE | NO |
| REQUEST INFORMATION                | "Point of information..."           | YES | NO | NO | NO | NO VOTE | NO |
| TAKE UP A MATTER PREVIOUSLY TABLED | "I move to take from the table..."   | NO  | YES | NO | NO | MAJORITY | NO |
| RECONSIDER A HASTY ACTION          | "I move to reconsider the vote on..." | YES | YES | YES | NO | MAJORITY | NO |

**Notes:**
- Unless the motion to be amended is not debatable.
- A 2/3 vote in negative is needed to prevent consideration of the main motion.
- Only if the main question has not been debated yet.
- Only if the speaker has the floor but has not actually begun to speak.
- Unless the motion to be reconsidered is not debatable.
- A motion can only be reconsidered once.
- Unless the chair submits a motion to the assembly for decision.
- Unless the speaker moves to reconsider the vote on the main motion.
- Unless the main question is pending.
- Unless the vote on the main question has not been taken up.

**Unless:**
- Affirmative votes may not be reconsidered.
- Unless the motion has not been taken up.
- Unless the motion to be amended is not debatable.
- Unless the motion to be reconsidered is not debatable.
- Unless the motion has not been taken up.
- Unless the main question has not been debated.
- Unless the main question is pending.
- Unless the vote on the main question has not been taken up.
Parliamentary procedure is intended as a tool to facilitate democratic discussions and decisions. An orderly process demands that only one issue be debated at a time.

The following points are not intended as an exhaustive dissertation on parliamentary procedure, but rather as a highlight of some of the more troublesome parts of that procedure.

1. **Consider only one question at a time.** A question is introduced by a motion. It must be seconded and should be restated by the presider before it is discussed. Once a question is before the group, it must be properly disposed of before another question is considered.

2. **Subsidiary or secondary motions sometimes cause some confusion.** These motions depend upon the main motion. Any of these motions may be made while the main motion is pending. Further, subsidiary motions may be made while one or more of the other motions are pending.

The following are subsidiary motions.

- **Postpone indefinitely.** This is a debatable motion and the main motion to which it applies remains debatable while it is being considered. (Tactfully, this motion has nothing to do with postponing, but is a way of defeating the motion under consideration. It can sometimes be used for continuing discussion when the speaking privileges of members discussing the main motion have been exhausted.)

- **Amendment.** This is debatable if the main motion to which it refers is debatable. Amendments must be clearly related to the main motion and may make changes by inserting, striking out, or substituting words, but may not reverse the intention of the original motion.

- **Refer to a Committee.** This is a debatable and amendable motion. Its purpose is to refer a main motion and its amendments, if any, to a committee for special study and recommendations. The motion to refer should include how the committee is to be selected, when it should report, and whether it is to report facts or make recommendations or both.

- **Postpone to a Certain Time.** This is not debatable except as to the propriety of postponement. It is amendable only with the regard to time. If the postponement is to the next meeting, the postponed motion automatically comes up as unfinished business.

- **Limit or Extend Debate.** This is not debatable and may be amended as to the number of times a speaker may speak and as to the length of time each may speak.

- **Previous Question.** This is not debatable of amendable. The purpose of this motion is to terminate debate and move to an immediate vote on any motion to which it is applied. The proper form to use in making this motion is to say, “I move the previous question on the immediate pending (or on all pending) question.” The presider then states that the previous question is moved and seconded and calls for a vote.

- **Lay on the Table.** This is not debatable or amendable. The purpose of this motion is to lay a motion aside temporarily without postponing it to a certain time. The motion laid on the table may be brought again before the group by a simple motion to take if from the table. This has the status of a main motion. A motion may be taken from the table any time before the end of the next meeting after the one at which it was laid on the table. If it is not removed from the table before the end of the next meeting, the motion ceases to exist.

Incidental Motions develop out of situations that are in some way related to the discussion that is going on. They may be made whenever they are needed and have no order of precedence among themselves. Any one of them takes precedence over a main motion or a subsidiary motion but is lower in precedence than a privileged motion. Incidental motions are not debatable.

Following are several of the more commonly used incidental motions:

- **Point of Order.** This is raised when a member of the group feels that the rules of the order have been violated.

- **Appeal the Decision of the Presider.** This action may be taken whenever a member of the group believes that the presider has given a wrong parliamentary decision.

- **Suspension of the Rules.** The purpose of the motion is to temporarily set aside the normal practices of the group. It cannot be used to suspend a provision of a constitution or bylaw. It is most often used to alter the order of business.

- **Division of the Question.** This may be amended but may not have any other subsidiary motions applied to it. The purpose of this motion is to separate a motion into separate parts and consider each of those parts individually.
HOW A MOTION SHOULD PROGRESS

The following is a guide on how a motion should progress:

1. MEMBER ADDRESSES THE PRESIDING OFFICER
The presiding officer should be addressed by the appropriate title, i.e., “Mayor,” or “Mr. (or Madame) Chairman.”

2. MEMBER IS RECOGNIZED BY THE PRESIDING OFFICER
The chair recognizes member by name, by a nod, or other means of recognition. Having received formal recognition from the chair, that member is said to “have the floor” and is the only member entitled to present or discuss a motion.

3. THE MEMBER PROPOSES A MOTION
A motion is always introduced in the form “I move that” followed by a statement of the proposal. This is the only correct phraseology.

Aside from very brief explanatory remarks, it is not permissible to discuss the merits of a motion either prior to, or immediately following, the formal proposal of the motion. All discussion must wait until after the chair has stated the motion to the assembly and has called for discussion.

4. ANOTHER MEMBER SECONDS THE MOTION
Another member may say, “I second the motion.” Seconding the motion is merely an indication that the member seconding it wishes the matter to come before the assembly for consideration.

If no one seconds the motion, the chair may say, “Is there a second to the motion?” If there is none, the chair may declare, “Since there is no second, the motion is denied.”

5. THE PRESIDING OFFICER STATES THE MOTION TO THE MEMBERS
When a motion has been properly proposed and seconded, the presiding officer repeats the motion to the members, or “states the motion.” After it has been formally stated to the members, it may be spoken of as a “question,” a “proposition,” or a “measure.”

6. THE MEMBERS DISCUSS OR DEBATE THE MOTION
After the motion has been formally stated, any member has a right to discuss it. The floor must be can only be obtained through the formal recognition of the chair.

DISCUSSION MUST BE CONFINED TO THE QUESTION THAT IS BEFORE THE MEMBERS

Normally, the first person who asks for recognition is entitled to speak, but when several councilors wish to speak or present motions at the same time, certain guiding principles should determine the decision of the chair.

a. The chair should always show preference to the proposer of the motion.

b. A member who has not spoken has prior claim over one who has already discussed the question, or who has proposed another motion.

c. If the chair knows the opinions of the various members regarding the motion before the house, he should alternate between those favoring the motion and those opposing it.

d. The chair should recognize a member who seldom speaks in preference to one who frequently claims the attention of the assembly.

7. THE PRESIDING OFFICER TAKES THE VOTE ON THE MOTION
When all members who desire to discuss the question have done so, the motion is “put to a vote.” It is permissible, before taking the vote, to inquire, “Is there any further discussion?” If there is none, discussion is presumed closed.

The presiding officer will proceed to take the vote by announcing “All in favor the motion to (STATE THE MOTION), say ‘Aye’. Those opposed say ‘No’.”

Presiding officer has the option of requesting a voice vote or roll call vote.

8. THE PRESIDING OFFICER ANNOUNCES THE RESULT OF THE VOTE
The chair then formally announces the result of the vote, saying “The motion is carried; therefore (STATE THE INTENT OF THE MOTION)” or “The motion has failed.” When the vote has been announced, another motion may be in order at that time.
How to have

SUCCESSFUL
MEETINGS
What makes a meeting SUCCESSFUL?

It takes a team of people who ACTIVELY EXCHANGE IDEAS to ACCOMPLISH GOALS.

To help ensure success, group members should:

UNDERSTAND THE MEETING'S PURPOSE
A lot can be accomplished when people have a clear sense of direction. Some of the common goals of meetings are to:
- EXCHANGE information
- SOLVE problems
- MAKE decisions
- SHARE concerns
- EXPLAIN issues.

POOL THEIR KNOWLEDGE
Meetings bring together people with different ideas and experiences. Members have an opportunity and a responsibility to:
- EXPRESS thoughts
- REACT to others’ ideas
- COMBINE their skills to reach solutions.

Why is my PARTICIPATION IMPORTANT?

Because your IDEAS, COMMENTS and SUGGESTIONS can benefit:

YOUR ORGANIZATION
Active and positive participation helps to:
- ACHIEVE the goals of the meeting
- PROMOTE the group’s objectives
- IMPROVE teamwork and morale.

YOU
Your involvement can help you polish your skills in:
- COMMUNICATION, because meetings allow you to gain experience in expressing yourself.
- LEADERSHIP, since you can learn a great deal by observing and following the examples of successful group leaders.

Learn how you can become a more effective participant.
**BE PREPARED**
You can help the meeting run smoothly if you do your homework!

**KNOW THE PURPOSE**
- of the meeting so you can determine how you can contribute to the meeting's success.

**RESEARCH**
- any available background information before the meeting so you can be a more knowledgeable, valuable meeting member.

**REVIEW THE AGENDA**
- carefully (if available). It will acquaint you with the specific issues to be discussed.

**ASK QUESTIONS**
- before the meeting about anything you don't understand. Questions show your concern for the meeting's success.

**UNDERSTAND**
- why you've been invited. You're more likely to participate actively if you know what's expected of you.

---

**PRACTICE GOOD MEETING MANNERS**

**ARRIVE ON TIME**
- Latecomers may delay the meeting, create confusion or break the flow of progress.

**PROPER ETIQUETTE**
- can help ensure that goals are met according to schedule.

**AVOID UNNECESSARY INTERRUPTIONS**
- In most cases, phone calls, messages, etc., can wait until the meeting is over.

**OBSERVE SPECIFIED TIME LIMITS**
- This will allow others a chance to speak and helps ensure that all issues on the agenda are covered.

**REFRAIN FROM DISTRACTIONS**
- This includes whispering to your neighbor, doodling, shuffling papers, etc.

**STAY UNTIL THE END**
- Important follow-up plans are often made during the final minutes of a meeting.
YOUR PARTICIPATION DOES MAKE A DIFFERENCE

As part of a team working to reach carefully planned goals, it’s up to you to:

SUPPORT THE GROUP’S EFFORTS
Commitment to the goals of the group is the most important ingredient for a successful meeting. Combine forces with others by focusing your talents and energy on the issues at hand.

GET INVOLVED IN DISCUSSIONS
You really can influence the direction the meeting will take.
- Speak when you have something worthwhile to say (but keep your remarks to the point and as brief as possible).
- Encourage others to stick to the issues.

BE CREATIVE
Group members usually welcome innovative ideas that are supported by sound reasoning. To help promote an imaginative plan, try to think of answers to possible criticisms before you present your ideas.

EXPRESS YOUR FEELINGS
Differences of opinion expose people to other points of view. Let others know how you feel about their ideas. But be careful that your remarks do not become a personal attack.

SHARE YOUR THOUGHTS
Holding back when you have an idea robs the group of your knowledge. It also prevents you from further developing your idea. Have confidence in yourself, and speak up!

TAKE NOTES
Brief, accurate notes can be helpful during and after a meeting. Someone may be appointed to keep the minutes, a formal record of discussion and decisions.

TAKE A POSITIVE APPROACH
Keep an open mind. When a group member shares an idea, look for the value in that idea. Above all, be enthusiastic. Enthusiasm can be contagious!
GOOD COMMUNICATION IS A SKILL WORTH BUILDING

Ideas can be shared more effectively if you keep these basics in mind.

**WHEN OTHERS SPEAK**

**Listen Carefully**
Each speaker deserves your full attention. But being attentive isn't just a matter of politeness. Careful listening prevents you from missing valuable information and allows you to take accurate notes.

**Respect Opinions**
Everyone has the right to express an opinion. Avoid making hasty judgments of others' ideas. Allow others to express their ideas completely before you offer comments.

**Consider Suggestions**
Don't become defensive when others express ideas that conflict with yours. Instead, use their suggestions to refine and develop your own ideas.

**WHEN YOU SPEAK**

**Express Yourself Clearly**
Good pronunciation (saying sounds correctly) and enunciation (saying sounds distinctly) will be appreciated by your listeners. Proper volume and tone also enhance delivery. Be sure that you face the group (don't speak when drawing on board, etc.).

**Summarize As Needed**
- Sometimes your remarks may be long and complex because of the topic of discussion. In such cases, you can help your listeners by summarizing your main points before you finish speaking.

**Include Everyone**
Make all group members feel that you're speaking to each of them. Never direct your comments only to the person beside or opposite you.

**Offer Suggestions**
Most people welcome good advice. Don't hesitate to make suggestions, but offer them at an appropriate time and in a positive manner.
MAKING AN EFFECTIVE PRESENTATION

This is your special chance to share your knowledge with the group.

PREPARATION

YOUR AUDIENCE must be considered when you prepare your speech. What they need to know, how much they already know, etc. are important factors.

YOUR OBJECTIVES establish what information you'd like to convey and how you'd like to convey it.

TIME LIMITS must be considered when preparing a presentation. Reserve time for questions.

ORGANIZATION is essential to clear understanding of any subject. An outline of key topics may be helpful.

OPENING REMARKS set the tone and state the purpose of all that follows. Capture the attention of your audience with an interesting beginning.

VISUAL AIDS such as flip-charts, slides and videotapes help reinforce remarks and add interest to presentations.

PRACTICE your speech helps build confidence and ensure success. Practice alone or in front of others, or tape-record your presentation.

SPEAK NATURALLY from your notes. Avoid reading or memorizing your speech.

GAUGE YOUR VOLUME – a speech that can't be heard loses the audience's interest. If people in the back of the room must strain to hear you, speak louder.

EYE CONTACT to help your audience feel involved in what you're saying. Staring at the floor or back wall detracts from your speech.

USE VISUAL AIDS if appropriate, and make sure everyone can see them. Avoid displaying too much information at one time.

BE AWARE OF NERVOUS HABITS that can be distracting, such as repetition of certain words, pacing, and long pauses.
BRINGING THE MEETING TO A CLOSE

People appreciate meetings that end on time, but no meeting should adjourn without:

TYING UP ANY LOOSE ENDS
Sometimes it’s impossible to cover every item on the agenda. However, avoid hasty decisions that may be regretted later. Instead, table unresolved issues until the next meeting.

FOLLOW-UP ASSIGNMENTS
To help guarantee that action is taken on decisions, it’s important to know:
- WHO is responsible for carrying out the decision
- WHAT is to be done
- HOW action is to be carried out
- WHEN the work should be completed.

A SUMMARY OF DECISIONS
To help refresh the memories of group members, a quick recap of decisions made and actions to be taken can be helpful. This review can also help prevent confusion later.

PLANNING THE NEXT MEETING
To get a head start on the next meeting, plan now.
- Set the date.
- Select the place.
- Develop a preliminary agenda.

Meetings that end on a positive note are more likely to result in successful follow-up action.

AFTER THE MEETING ENDS,
plans must be put into action.

- REVIEW MINUTES or memos of the meeting, if they’re available.

- COMPLETE ANY ASSIGNMENT you’ve been given. Unless you take your responsibility seriously, the time everyone has invested may be wasted.

- ASK QUESTIONS about anything in the memos or minutes that confuses you. Seek help if you don’t understand your assignment.

NOW IS THE TIME to put ideas to work!
PARLIAMENTARY PROCEDURE

Some questions and answers about

What is parliamentary procedure?

It's a set of rules governing conduct at meetings. The rules protect everyone's right to be heard and allow decisions to be made without confusion.

What is Robert's Rules of Order?

It's the basic handbook of parliamentary procedure used by clubs, organizations and other groups.

Parliamentary procedure can be adapted to meet the needs of any group or organization. However, it's most useful when a large group meets or when formal debate is required.

Meetings can be the FOUNDATION FOR SUCCESS -- for you and your organization!

☑ BE PREPARED to do your part.

☑ BE EFFECTIVE, by using good communication skills.

☑ BE SUPPORTIVE of your group's efforts to reach goals.

BECOME THE KIND OF MEETING MEMBER OTHERS CAN COUNT ON!
INSERT

Current City Code Table of Contents
Chapters 1-7 and 9

http://www.ci.redmond.or.us/internet/index.php?option=com_content&task=view&id=187&Itemid=301
Current City Development Code Table of Contents
Chapters 8

http://www.ci.redmond.or.us/internet/index.php?option=com_content&task=view&id=68&Itemid=221
Communication Tips for City Council TV
by Cindie Ryan and Heather Morris

The purpose of broadcasting city council meetings is to improve communication with the community. When residents are well informed, they can participate more effectively in their government and make better decisions on matters impacting their families.

The tips and suggestions for councilpersons below are designed to reduce obstacles to clear, accurate communication between councilpersons and their citizen audience.

Camera Presence
- The camera sees all. Always assume that you are on camera, and behave accordingly. And in fact, you might be. Your might appear in a “wide shot” or a “two shot” even when you are not speaking. The camera accentuates every mannerism—good or bad.

- Sit up straight. Good posture not only projects confidence, but also puts you in proper position for speaking into the microphone. Some council chamber chairs have a tendency to make you naturally slouch or lean back, so you have to make a conscious effort to maintain good posture.

- Wardrobe tips. In general, avoid checks, stripes and other busy patterns. These tend to “vibrate” on television. Stay away from horizontal stripes and dark mottled colors. Clean, simple colors work well. Try to avoid wearing suits or dresses that match the color of the council chamber chairs; it creates a “floating head” look on camera. Don’t drape your blazer, jacket or anything else over the back of your chair—on camera, it will look like the jacket is “growing” out of your head.

- Makeup tips. For women, the natural look doesn’t work well on camera. Television lights have a tendency to wash out any complexion, creating a tired, apathetic appearance. Makeup that is slightly heavier than normal is best. Always check your makeup, particularly your lipstick, before going on the air, otherwise your facial features will “disappear.” You should not be concerned with glamour, but you want the audience to focus on what you are saying, not on how you look.

- Other tips for TV. Stay alert physically, even when you’re not talking. Don’t watch the monitor. Ignore cameras and people moving in the studio. Lean forward slightly in your chair. Don’t swivel about. Rest hands naturally in your lap or on the desk.

General Communications Tips
- Limit the points you try to make. As a general rule, confine your presentation to two major items. Keep your thoughts and presentation concise. Don’t ramble. Think before you speak.

- Be aware of the way you sound. On the way we say something comes off more strongly than you may imagine. Avoid monotone. Learn how to analyze the way you sound to others. Listen to council replays without watching.

- Use simple and easily understood language. Avoid jargon, over-used words and industry lingo. Be precise, concise and comprehensive. In conversations, ask questions, listen to answers, and follow-up.

- Always be yourself. This is the most important thing to achieve, and surprisingly, can be the most difficult. Get to know and like the person you see in the mirror. Be willing to be introspective and change what can be changed. Accept the real.

Microphones
- Assume your microphone is always on. The microphones on the council dais are very sensitive. Every sigh, sigh, sneeze, and whispered comment will be heard. When applauding, move your hands to your side so you’re not clapping directly into the microphone. If you use your mute button, remember to turn it off when you begin to speak.

- Always speak into the microphone. Position yourself about 6-12 inches from the dais microphone and speak directly into it. Speak in your normal manner at a moderate sound level. Remember, if you are not “miked,” the house audience cannot hear you— even if the chamber audience can hear you. Therefore, avoid speaking as you turn around to point to a display behind you, or as you turn to direct your comments to another councilmember. Grab a wireless mike if you want to leave the dais to comment on a map, slide, rendering, etc.

- Help speakers be heard. Speakers at council meetings often forget to talk into the microphone. Hearing speakers at the lectern is generally not much of a problem. But if you notice the mike is off to the side, or the speaker has turned away or wandered off, please redirect the person back to the mike. This may cause a
momentary interruption, but it's preferable to not being heard.

- Presentations at the center mike are the most problematic. If the mike is too low, simply raise it yourself. Typically, a staff member will do this, but sometimes he or she doesn't get a good "off-air" opportunity to do so.

- Citizen-speakers tend to just start talking without paying attention to the mike. They turn around to direct comments to the council. Sometimes they even walk to the dais to pass out t-shirts, ribbons or hats. If they are speaking during any of these times, the home audience cannot hear them. You can get them back to the mike by gently putting your hand on the small of their back and guiding them back.

- Don't ask questions once people have left the lectern and gone back to their seats. Ask speakers to return to the microphone, then ask your question. Remember: even though you and the rest of the chamber audience can hear, that doesn't mean the sound is reaching the home audience.

Videos and Slide Presentations

- Give warning. Please remember to do a little bit of an intro before "calling" for the video or slides. The control room staff needs time to bring down the lights and the council mikes. Bring up the sound, then switch the video on the air. An abrupt "Here's the video," will result in 20-30 seconds of uncomfortable silence in the chambers.

- Features of the automatic slide system are semi-outdated. For example, it is not easy to reverse the projector to get back to a specific slide without some prior notice. Slides have to be changed manually. Since projectors often are located in a projection room behind the council chambers, it is difficult to do this quickly. Also, for the same reason, inform staff and the city clerk of any changes in the order of the agenda.

Handling On-Air Audio Visual Problems

- Use humor and stay calm. On major video and slide presentations, conduct run-throughs and take great care to ensure a smooth presentation. Still, this is "live television" and occasional sound and/or video problems will happen once you are on the air." Staff will resolve these problems and you should continue the meeting as normal.

Details: Cynthia Ryan is communications and marketing manager for the city of Brea, California, and Heather Morris is the city's public information officer. For more information, contact Ryan at (714) 990-7673 or cynthia.ryan@brea.ca.us. Reprinted in part from the newsletter of 3CM, the City-County Communications and Marketing Association. For more information on 3CM, call (703) 707-0830; fax, (703) 707-0867; www.3cm.org.

League News

Haining Joins League Staff

Dave Haining became the League of Oregon Cities' newest staff member in mid-August when he took the position of Word Processing Specialist. Dave replaces Shawn Wolle, who has served in the position for five years. Shawn leaves the League on a greater mission—to be an at-home mom to her two young girls.

Dave comes to the League with many years of word processing experience and very strong skills. He will be the primary staff for typing and creating correspondence, reports, brochures and flyers, and other publications which come out of the League office. Plans are that he will, in the near future, phase in to management of the League's web site.

Dave came to Oregon from California in 1990. He has been married for five years and has a one-year-old daughter. Welcome, Dave!

"There is always room for improvement...

It's the biggest room in the house!"

League of Oregon Cities LOCAL NEWS / September 1999
BASIC TIPS FOR APPEARING ON TV

- The camera sees all
- Sit up straight
- Don’t wear pinstripes, large checkered clothing, bright red or bright blue
- Don’t tap or click your pen or fingers on the desk
- Don’t talk under your breath and limit side conversations; everything can be picked up with the microphones
- Stay alert
- Limit the points you try to make
- Use simple and easily understood language
- Always be yourself
- Assume your microphone is always on
- Always speak into the microphone
The Only Press Guide
You'll Ever Need*

Prepared by Jim Sellers, Media Relations Manager with the Oregon Department of Human Services in Salem. Sellers was previously public affairs director for a trade association, communications director for Oregon's higher-education system, a governor's speechwriter, and for 14 years a daily-newspaper journalist.

"At one time or another, you've complained about misleading headlines. This is one of those headlines.

You could spend years steeping yourself in the follows of the media and still not know it all; as a result, no one will ever write the only press guide you'll ever need.

But if you will follow these few tips on media relations, you will be delighted with the results.

After all, your goal is to obtain as much free media exposure as you can. You want news about you and your organization to be positive. And when the news is bad, you at least want it to be fair. Here's how to go about it..."

Make Contact

Visit the reporter or editor at his or her office. Take only a few minutes for:

+ Introduce yourself, and offer your business card.
+ Leave your annual report or a fact sheet about your organization (location, history, assets, officers' and board members' names, services that set your organization apart.)
+ "I wanted to meet you," you might say, "and to let you know that I'd be happy to have you call me if you ever have questions or want help on a story."

Keep in Touch

Don't let the reporter or editor forget you. Maintain that contact:

+ Watch professional, trade and popular journals that the journalist won't see for articles that would be the basis for a story.
+ Clip or photocopy pertinent stories as you see them, and mail them to the journalist. (Even if an excellent article appears in Newsweek, say, send it; perhaps the journalist reads Time.)
+ "I thought this might interest you," your accompanying note might say. "Call me if you have questions or want to pursue local angle." (You can enhance your reputation as a reliable news source by also suggesting news and feature stories in which you have no self-interest.)

Select a Contact Person

Your organization should have someone who regularly deals with the media (and that person should have a backup who can talk with reporters when he or she is out of the office). In addition, all personnel should be schooled in how to deal with reporters. Your media-contact person should be someone who is:

+ Able to speak in complete sentences, knowledgeable about your business, conversant with your particular organization, familiar with good grammar and wary about blue and sexist humor.
+ Reasonably easy to reach by phone.
+ Holder of a job title that says "Yes, someone worth talking to."
+ A non-defensive straight-talker who has lots of patience, is slow to anger.

The Media Interview

Don't wing it. You should do at least minimal preparation prior to any sit-down interview with a journalist.

+ When the journalist calls to set up an interview, determine the director of the story and the kind of questions he or she will

'Feed them...'

A senior official in the Reagan administra- tion had a right. "Reporters are like alligators," he said. "You don't have to love them, you don't necessarily even have to like them. But you do have to feed them."

Feed them story ideas. Feed them your expertise relating to national headlines or local events. Feed them answers to questions that they ask. And as you help reporters do their jobs, you'll be advancing your professional reputation and that of your organization.

In its early years, at least, the Reagan administration had this rule down pat. In his book, "Cheat, Realism, Reagan and Foreign Policy," Alexander Haig wrote:

"The press cannot live without information. If it has to, that's the price of its own; it follows, then, that it must rely on others to manufacture the stuff.

"The government is the great smillery of information. Appraising this, Reagan's men opened the doors in a way hitherto unknown in Washington. They literally told them everything.

"For the press, always the outsider, always operating on suspicion and guesswork and animosity, it was a dream come true. It had never had sources like this. And, of course, the press could not risk losing these sources by offending them."

There's an important lesson there.
ask (but never ask for specific questions).
+ Prepare yourself to answer those and related questions; do a little research, if you need to. Run over your answers in your mind. Be prepared to offer colorful examples and memorable anecdotes not only to bolster your points, but also to help the reporter tell your story interestingly.
+ Avoid jargon that you wouldn't use with your spouse, child or sister-in-law. If you must use jargon because no other word fits, then explain it as you go along; never assume that the journalist knows the definition, or even that the journalist will ask.
+ If you have pertinent articles that might assist the journalist, photocopy them and offer them at the time of the interview. Highlight the most important sections, if appropriate. But be selective - don't expect busy journalists to dig through mountains of documents in search of a few nuggets of buried treasure.
+ If you see an area that the journalist is missing, volunteer the information you have. By offering information beyond that for which you were asked, you help establish yourself as a reliable news source.
+ If appropriate, suggest other people whom the journalist might interview and explain how they might help with the story. In fact, you enhance your credibility by suggesting names of people who disagree with you and accurately portraying their positions. It's called "poisoning the well." Explain the arguments of the opposition in your terms, effectively refute them, and then those arguments will pack less punch the next time they're encountered.
+ If you are on camera, don't hesitate to consider your answer for a few seconds before asking to talk. TV news shows don't have enough airtime to show you gathering your thoughts (unless, of course, your hesitation indicates guilt). Likewise, if you stumble over your words in talking with a radio reporter, don't hesitate to say, "Let me try that again," and start over. Avoid awkward pauses ("uh-huh").

'Off the Record'

Avoid going "off the record." It's a sinkhole. Here's why:
+ What's the use of giving a journalist information he or she isn't supposed to use?
+ Even though you've provided the information "off the record," the enterprise journalist (or even another member of the staff) may obtain it elsewhere; then you'll feel betrayed, undoubtedly damaging your relationship with the reporter.
+ Too often, news sources go "off the record" but never say when they're going back on "the record." This leads to needless and dangerous confusion for everybody.
+ With Murphy's Law at work, "off the record" comments are occasionally found their way into print and onto the airwaves.

An alternative: If you insist, try a variation that is safer for you and more useful for the journalist - "not for attribution." This means the journalist may use the information, but won't identify you as the source. However, it's critical that the journalist agree to this ground rule (just saying it won't make it happen) and that you agree on what "not for attribution" means.

When the News is Bad

Sometimes, news events will gang up to give you a black eye. Here are a few techniques to soften the punch when it comes:
+ It helps already to have met the reporter on the beat (see Make Connections). If you've established a friendly, arm's-length relationship with the reporter, there's no reason to believe he or she will suddenly turn hostile when
(continued on page 14)
you're in trouble. If you haven't established such a relationship, well, good luck!

Return the reporter's inevitable phone call as soon as possible; don't delay needlessly, giving the impression that you're hiding out or have something to hide.

Answer all questions as fully and candidly as you can. If you cannot answer a question, say so and explain why (in print, that will look far better than "no comment").

If you don't have an answer now, but will later, then tell the journalist when he or she can call you back to obtain the information.

To Err Is Human . . .

Considering how much information journalists handle, errors are infrequent. But when they do occur, you'll undoubtedly be the victim; it has something to do with too much being written down. If the error is minor, skip it. If it's an error that makes a difference, or one that's apt to be repeated in future news stories, then be a diplomat:

- Contact the erring journalist immediately. The likelihood of spinning a prominently displayed correction story diminishes in direct proportion to how long it takes you to point out the error.
- Be calm, courteous. You'll gain nothing by (and possibly pay a penalty for) angering or intimidating the journalist.
- Ask for a correction story; don't assume that the journalist will infer the request from you call.
- Don't go over the erring journalist's head unless (1) you can't obtain satisfaction from the reporter and (2) correcting the error is worth the ill will that may result.
- If all else fails, write a letter to the editor correcting the error. Keep the letter short (people read short letters) and rational (shrill letters lack credibility).
- Ask the erring journalist what you can do to help prevent such errors in the future. This signals your desire to continue being a helpful news source, may teach you how you were partially responsible for the error, and puts the journalist on notice that you expect more care in the future.

This article will be continued in next month's newsletter, and will include tips on releasing news, the new conference, and pitching your story.

"Quality is never an accident; it is always the result of intelligent effort."
HOW CITIES COMMUNICATE...

Communicating With Citizens Through The Media

One of the most important and valuable resources for communicating a City's activities to its citizens is through the media. It's free, consistent and communicated through a second party...allowing for more credibility due to the media's assumed lack of bias.

Dealing with the press/media falls into two categories.

Reactive: Responding to media inquiries

Proactive: Initiating contact with and providing information to the media

This document deals with Reactive Media and represents an overview of information that all senior level employees have likely heard at some time or another...but may serve as a brief refresher course and as well as information that can be passed on to your department employees.

#1
Establish and maintain a professional relationship with media representatives based on respect for their profession. For example understanding that reporters who cover local government at any level are trained to view their job as a link to the citizens, ensuring that citizens know what's going on at the local government level...and view their role as somewhat of a government watchdog.

#2
Keep in mind that even though they often write positive articles about the City and are personally very friendly, their job is not to make the City look good.

#3
Personality-wise they often have a lot in common with people who work in local government. They're often young, liberal, well educated, intelligent, have a good sense of humor, curious, and yet by nature of their job...cynical.

#4
Maintain an inventory of print media sources, key contacts (editor and reporters that cover the City), and their phone numbers and deadlines.

#5
As soon as possible, call to thank a reporter for an especially well written article relating to your department's activities. Reporters rarely receive positive feedback and they will so appreciate it. It will represent long term dividends in building a positive relationship with that reporter.
Reporters benefit greatly from being provided with backup material regarding the issue they're writing about. They work under significant time restraints and often are only paid by the line for stories they do write. Providing this material also saves your time in communicating detailed information. Often this material can be pulled together in advance by another employee familiar with the project. Don't be hesitant to suggest the inclusion of photos, or other graphic materials that might help illustrate the article. Reporters have general knowledge of issues and are usually open to suggestion about what additional materials might enhance their article.

Don't hesitate to ask for additional time to pull together information reporters have requested. There's nothing wrong with saying..."I need a little more time to pull together the most accurate and comprehensive information available regarding this project to ensure that you have everything you need to write about it".

Always remember this:
Not having the article printed because you can't provide all the information necessary to ensure its accuracy before the deadline is much better than having an inaccurate article in print. No article is much better than a bad article.

When you have a phone message from a reporter, return the call as soon as possible...or leave a message as to when they can reach you. It's possible that you may need to talk with them after hours since they often work late into the evening to meet their deadline. They'll truly appreciate your efforts to accommodate their need for information prior to deadline.

Radio Interviews:
A. Gather as much information about the issue before the interview understanding that the questions will likely be general in nature.

B. Respond to the questions as though you're talking to a group of citizens. Be friendly yet direct, and speak in non technical terms. Be concise - don't over explain. Before closing, indicate how citizens can get more information about the issue (i.e., whom do they call). Thank the radio station for providing you with the opportunity to discuss the issue.

Television Interviews:
Often you won't have much advance warning before a television interview. Take your cue from officials being interviewed on national television. You will likely have no more than 15 seconds to respond to the question. Use this time to get out your message to the citizens. For example:

Interviewer's Question: What can you tell me about this downtown street construction why the terrible delays? It appears to be killing business in the downtown area.

Your Response: The City of Redmond understands how difficult this project is for our citizens who are driving through as well as the businesses who have been impacted by the street construction. We're working double shifts to hasten completion of the project...etc.
TEN COMMANDMENTS
for Surviving as a City Councilmember

By Hal Conkin

The most commonly voiced complaint by newly elected mayors and councilmembers is that they didn’t have any idea how much time the public would demand of them and their families. The fact that soon becomes abundantly clear is that even if you gave away 24 hours of your day, it still wouldn’t be enough to satisfy the demand.

Having survived many years in public life, I offer the following "ten commandments" to place yourself for the grueling schedule that may be demanded of you. The first five are basic management survival strategies, the second five basic common sense, and the tenth commandment may be the most important.

**Make an honest inventory of the hours that your political commitment will take.** Document your hours for three weeks and then figure out a way to reduce those hours by 10 percent. You will be surprised how much time is non-productive.

**Establish a "contract" with your employer for the hours that you are going to spend in your political commitment.** The "contract" must be mutually acceptable and should be in writing. New councilmembers often complain that employers and associates who once advocated their participation in local government now lament that “they are no longer around to do their job.”

**Set office hours and stick to them.** Whose time is it anyway? It’s yours! You wouldn’t call a doctor or a professional and expect him or her to meet you at your convenience. It saves a lot of time if you establish specific hours each week that can be available to meet the public. Use an appointment calendar, and tell people up front that they can “make an appointment for a fifteen minute slot on Monday afternoon.”

**Delegate — and hold accountable — staff members and volunteers.** Write out what you want them to do, and set timelines for completion.

**Put unmonitored phone lines on answering machines — especially at home.** When I was first elected, I remember coming home once and finding our fourteen year-old babysitter in tears after spending an hour on the phone talking with an angry constituent. “If someone banged into your office and interrupted a conversation you were having, you would consider that person exceedingly rude. But we rarely question someone who calls us on the phone and does the same thing. No one should be given the impression that your home life is explicable, or that your are available indiscriminately.”

I especially like the phone message on the machine of one of the local reporters in my community. “Hello, you have reached 555-6331. If you want to leave a business message, then please call my office at 555-6200. If this is a personal call, then please do not hang up before you leave a message, since there is a good chance that I am monitoring this call.”

**Distinguish between “home hours” and “work hours.”** Don’t mix the two. Have a good catchy line to give people when you meet them in the market: “Here’s my card. Why don’t you call me on Thursday during my office hours and we can have a long chat about it.”

**Make a date with your spouse (or significant other) for the same time each week.** Don’t violate this commitment unless it is mutually desired.

**Exercise regularly each day; eat a “stress control” diet (i.e., no junk food!).** Put the wrong fuel in your “personal vehicle” and you’ll burn out the engine.

**Start and end your day with activities that soothe the soul.** Meditate when you rise or retire. Don’t start or end the day with news programs! You need to begin your period of sleep by reading poetry or the Bible — not by hearing about who got murdered a thousand miles away.

**Keep your sense of humor.** This is critical. Never take your place in history too seriously. Enthusiasm is infectious. When the job becomes too, then it is time to retire and let someone else take over.

Hal Conkin is the former Mayor of Santa Barbara, California. He is currently President of the California Center for Civic Renewal based in Santa Barbara.

Reprinted from Texas Town & City, June 1995

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**Training Available for new officials . . .**

An excellent way for newly-elected councilors and mayors to get off on the right track is to attend the City Officials Institute (formerly "Elected Officials Workshops") sponsored by the League of Oregon Cities.

See page 9 for more details.
RESTRICTIONS ON POLITICAL CAMPAIGNING FOR PUBLIC EMPLOYEES - ORS 260.432 REMINDERS

"QUICK CARD" (updated 1/4/02)

Generally, ORS 260.432 states that a "public employee may not, while on the job during working hours, promote or oppose election petitions, candidates or ballot measures. Additionally, no person (including elected officials) may require a public employee (at any time) to do so. "Public employee" includes public officials who are not elected, whether they are paid or unpaid (including appointed boards and commissions).

Note: As used in this "Quick Card":

- We use the phrase "advocate(s) a political position" to mean promote or oppose an initiative, referendum or recall petition, candidate or ballot measure.
- The term "impartial" means equitable, fair, unbiased and dispassionate. See the Secretary of State's detailed memo on ORS 260.432 for specific factors to assist in ensuring impartiality in communications about ballot measures.

PROHIBITED ACTIVITIES. A public employee, while on the job during working hours:

- May not prepare or distribute written material, post website information, transmit emails or make a presentation that advocates a political position;
- May not collect funds, prepare filing forms or correspondence on behalf of candidates or political committees;
- May not produce or distribute a news release or letter announcing an elected official's political position;
- May not make outgoing calls to schedule or organize campaign events or other political activity on behalf of an elected official or political committee;
- May not grant unequal access to public facilities to candidates or political committees;
- May not draft, type, format or edit a governing body's resolution that advocates a political position;
- May not prepare or give recommendations to the governing body urging which way to vote on such a resolution;
- May not sign such a resolution, except if signature is only ministerial and clearly included to attest board took the vote; and
- May not announce the governing body's position on such a resolution to the media; and
- May not include the governing body's position or vote on such a resolution in a jurisdiction's newsletter or other publication.

ALLOWABLE ACTIVITIES. A public employee, while on the job during working hours:

- May prepare and distribute impartial written material or make an impartial presentation that discusses election subjects;
- May wear political buttons at any time subject to applicable employer policies;

(continued on back of card)
ALLOWABLE ACTIVITIES. A public employee, while on the job during working hours (continued from front)

- May perform standard job duties, such as taking minutes at a public meeting, maintaining public records, opening mail, inserting proposed resolution into board agenda packet;
- May impartially advise employees about possible effects of a measure, but not threaten them with financial loss to vote a particular way;
- May address election-related issues while on the job, in a factual and impartial manner, if such activity is legitimately within scope of employee’s normal duties;
- May, as staff of an elected official, handle incoming calls about the official’s availability for political events;
- May prepare neutral, factual information for a governing body to use in determining what position to take on an issue (planning stage of a governing body’s proposed issue before certified as measure to ballot is not subject to ORS 260.432);
- May, in a clerical manner, incorporate amendments into a finalized version of governing body’s resolution on issue;
- May respond to public records request for information, even if the material advocates a political position; and
- May, at any time, express personal political views.

A public employee, on their own, off duty time, may send letters to the editor that advocate a political position and may participate in any other lawful political activity. It is advised that a salaried public employee keep records when appropriate in order to verify any such political activity occurs while off duty.

ELECTED OFFICIALS (includes a person appointed to fill a vacancy in an elective public office):

- May advocate a political position at any time - they are not considered a "public employee" for purposes of ORS 260.432;
- May vote with the other elected officials of a governing body (such as a school board, city council or county commission) to support or oppose a measure, and publicly discuss such a vote - but must not use the public employee staff time to assist in this, except for ministerial functions;
- May perform campaign activity at any time, however must take caution not to involve any public employee’s work time to do so;
- May not, in the role of a supervisor, request a public employee - whether the public employee is on or off duty - to perform any political activity. A request made by a person in a position of supervisor or superior is viewed as a command for purposes of this election law; and
- May not have an opinion piece or letter advocating a political position published in a jurisdiction’s newsletter or other publication or distributed by public employees.

For more detailed information about ORS 260.432 and information about other election laws, contact:

Secretary of State, Elections Division
John Lindblom, Director
Rm 141, State Capitol Bldg.
Salem, OR 97310-0722
Phone no. (503) 986-1518 Fax no. (503) 373-7414
Website address: www.sos.state.or.us - go to Elections.
What every mayor or councilor should know about legal roles and responsibilities, about representing the community, and about Oregon city government
Acknowledgment

This publication was initiated by a group of past presidents of the League of Oregon Cities who recognized a need. They volunteered their time and expertise in an effort to build leadership capacity and strengthen city government in Oregon.

Special thanks are extended to the following past presidents for their personal and professional expertise and the collective effort that created this document.

Eugene Bauer
Ron Bryant
Ruth Burleigh
Elvern Hall
Gerald “Lou” Hannum
Edward Harms
Di-Lyn Larsen-Hill
Shirley Huffman
Mike Lindberg
Loren McKinley
Jack Nelson
Emily Schue
Charles Vars
William Young

This publication is addressed primarily to candidates for city council. It serves as a reference and deals with a variety of important topics in a condensed manner. The publication is intended to provide an orientation to individuals who wish to assume a leadership role in municipal government.

Elected city officials and candidates are encouraged to contact the League of Oregon Cities (LOC) for further information regarding any topic presented in this publication. After you have been elected, you may wish to gain a deeper understanding about the issues facing Oregon city government by participating in the LOC-sponsored training sessions, the Elected Officials Workshop, and the Annual Conference.
Message to Candidates

Congratulations on your decision to run for local office! You have taken an important step on the path to public service in your home community—one step for which you must be proud. It's probably the most challenging job you'll ever have (and most likely the lowest paying). It will probably be among the most interesting and rewarding as well.

Often times, citizens are motivated to pursue elective office because they feel strongly about a single issue which demands change. They feel that they must take personal action to remedy this situation. When elected, you will find that others maintain sincere personal concerns for completely different issues. You will become involved in broader—and sometimes more mundane—issues like budgeting, personnel, growth and service delivery priorities. You will find a need to gain the opinion of local citizens outside your normal social or work circle and vie with other elected officials for a public forum by which to express your view.

This booklet is designed to increase your familiarity with an elected official's responsibilities, as well as the processes, procedures and rules that govern the conduct of an elected official. You can obtain more information from your city recorder, city manager or administrator, the League of Oregon Cities (LOC), and state agencies.

We wish you the best of luck in the upcoming election and your subsequent service.

Sincerely,

Past Presidents Council of the League of Oregon Cities
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Filing for Elective Office

Qualifications for various city offices differ. Before filing, review the city charter and statutory requirements of the office for which you plan to declare your candidacy. Requirements for filing for city offices are found under Oregon Revised Statutes (ORS) Chapters 221 and 249. The forms that you’ll need are available from your city’s elections official or the Secretary of State’s Office, Elections Division.

Contribution and Expenditure Reporting

Every candidate and prospective candidate is required to establish a principal campaign committee within three business days of receiving or spending any money to support the candidacy. This includes expenditures of personal funds by the candidate or treasurer. It also includes payment of the filing fee if the candidate files by declaration, any costs related to circulating a nominating petition, or any voters’ pamphlet costs.

For more detailed information about the filing process, contact your city’s elections official or the Elections Division in the Secretary of State’s office (503/986-1518).

What to Expect

Not only will the job of elective office ask you to be a model of civility and cooperation, an educator and interpreter of public opinion, and a leader bringing people together and building trust, it will also provide you with the opportunity to shape policy governing the future of your city. In the course of doing so, you will learn all facets of local government including municipal law and finance. In addition...

❖ You’ll rarely eat at the local diner or stop by the hardware store without someone complaining about roads, taxes, etc. You might be cornered anywhere, at any time, on anything. Unlike elected officials at the state and federal level, you are in direct contact on a daily basis with the people who elected you.

❖ You’ll spend a lot of time attending meetings; not only municipal meetings but regional and statewide ones as well. You’ll also spend a lot of time preparing for them, reading the material that needs to be read in order to make an informed decision in the course of the meeting.

If you are elected, you will draw upon skills you already have, skills you never knew you had, or skills you wished you had. The job might require you to:

❖ Facilitate meetings, speak to the press, respond to angry and sometimes hostile citizens, testify before legislative committees, negotiate with contractors, bankers and engineers.

❖ Make decisions on everything from who to hire as the next city manager, to which bid to accept for paving the roads, to how to pay for solid waste disposal, to joining with neighboring cities in a regional approach to providing dispatch services.

Are you up to the challenge?!
Basic City Services

Services provided by municipalities vary from community to community. However, some typical services include:

- Public Safety — police, fire, and sometimes ambulance service
- Utilities — water and sewer, and sometimes trash collection, electric power, and natural gas
- Land Use — planning, zoning, code enforcement, and other regulatory activities
- Transportation — street construction and maintenance, traffic safety, and sometimes public transit
- Recreation/Cultural — parks, recreation, libraries, and sometimes cultural facilities
- Legal — Ordinances protecting the public health, safety and welfare of the community

Roles and Responsibilities

Elected city officials have many official responsibilities. Essential ingredients for proper job performance of a mayor and city councilors are a thorough knowledge of the community, its people, and its problems, as well as knowing individual roles and those of the council as a whole. The information below provides city official candidates a basic understanding of the roles of the mayor and council, and the issues they will confront.

Most elected city officials consider the formulation of city policy to be their primary responsibility. They are also concerned with the way in which policy is administered, although the extent of their involvement in administration depends on the size of the city and its form of government.

The traditional distinction between “policy” and “administration” has been that policy is the process of deciding what is to be done, while administration is implementing it. However, it is not always easy to distinguish between the two.

Policy Role

The council is the highest authority within city government in deciding issues of policy. For a council to effectively assume a positive and active role in bringing issues forward for discussion in setting policy, councilors need a clear understanding of the policy process and the stages at which council intervention is most effective. Typically, the policy process follows the steps listed below:

1. Identification of problems and needs
2. Establishment of community goals
3. Determination of objectives
4. Development/analysis of alternative solutions (including short-term and long-term implications)
5. Establishment of priorities
6. Development of programs or strategies
7. Implementation of programs or strategies
8. Monitoring and evaluation of programs or strategies
9. Feedback
10. Program or strategy improvement and modification.
Administrative Role

The council, as a "collective" body, is responsible for the oversight of administration in every city, but the roles that the mayor and individual city councilors play in city administration vary considerably, depending on city size and form of government. Below are some basic forms of government.

Mayor-Council Form. In the mayor-council form of city government, the elected council is the legislative and policy-making body of the city. Council committees such as parks, public works, public safety, etc., may be responsible for day-to-day oversight of city activities, and may appoint or recommend the appointment of some or all administrative personnel of the city. The mayor, who in some instances is popularly elected and in others is appointed by the council from its own members, is the ceremonial head of the city and presiding officer of the council. Often, the mayor does not appoint administrative personnel, has no special administrative responsibility, and has no power to veto ordinances adopted by the council.

Oregon cities that operate under charters closely patterned on the mayor-council version of the Model Charter for Oregon Cities (1988 ed.) have this form of government. Most small cities in Oregon have this form. In some mayor-council cities, the mayor is the chief executive of the city. In addition to being ceremonial head of the city and presiding at council meetings, the mayor has the power to appoint all or most administrative personnel of the city and has general responsibility for proper administration of city affairs. In a few Oregon cities, the mayor has the power to veto ordinances adopted by the council.

Council-Manager Form. All Oregon cities over 2,500 population have the council-manager or council-administrator form of government except for Portland, Beaverton and Lakeview. The chief characteristic of this form is that the council appoints a qualified professional person as city manager or administrator to take charge of the daily supervision of city affairs. The manager or administrator serves at the pleasure of the council; the council sets policy and the manager carries it out.

An absolute separation between policy and administration does not really exist in city government or in other local governments. However, the council-manager plan works best when the council exercises its responsibility for policy leadership and respects the manager’s leadership role and responsibility for administration.

Council-manager charters commonly include specific provisions that prohibit individual councilors from giving orders to city employees or from attempting to influence or coerce the manager with respect to appointments, purchasing or other matters. However, the charters do not prohibit, and may affirmatively provide for, the council discussing administrative matters with the manager in open meetings.

Many small cities in Oregon have established a city administrator position instead of a city manager position. This is usually accomplished by ordinance rather than by charter. Occasionally a city sets up such a position merely by budgeting for it.

The duties and responsibilities of city administrators vary. In some cities they are indistinguishable from those of a city manager; in others the administrator may share administrative duties with the council or its committees, including hiring and firing department heads.
Council Functions

The council is the city governing body and is elected to steward the public trust and to serve as financier, employer, legislator and policy maker. The council monitors city service levels that benefit the whole community.

The city must maintain a balanced budget, which requires determining what city services and operations will be provided and at what cost and level of service. The council is also responsible for policies governing bidding procedures, spending limitations and purchasing methods related to equipment, land, services and facilities.

Citizen Involvement. The council’s leadership role requires staying connected to the community and connecting the citizens to their local government. Elected officials at all levels work to engage citizens actively. There are four basic roles for local elected officials in connecting citizens and their government:

1. As a model. By maintaining a spirit of civility and cooperation both within the municipal government and among local governments, local officials can help set the tone for civil discourse and productive problem-solving. The council can set an example for the public and the staff, and is responsible for creating a positive, constructive climate and a model democracy in action.

2. As an educator. The council can provide public information and serve as interpreter of public opinion within the community. In addition, local officials can encourage citizens, business, community organizations and others to play an active role in community-building initiatives.

3. As a listener. The council can solicit input from the public and city employees and it can provide opportunities for participation and involvement. It can respond to the public in an open, honest and respectful manner that shows that the council values questions, comments, and criticism from the public.

4. As a leader. The council communicates city goals, policies and information that can enhance the public’s understanding of city issues. It can facilitate the airing and sharing of diverse points of view. It can foster a sense of community and it can use techniques for resolving conflict. Energizing and engaging citizens is a job that calls for an array of skills.

The Mayor

The mayor’s role varies from city to city, depending on charter requirements. In many cities the mayor presides over council meetings and participates in discussions, but votes only to break ties. Depending on charter provisions, the mayor may appoint committees and department heads with council approval, and veto ordinances. Most mayors also sign all ordinances and other records of proceedings approved by the council, and in some cities they may sign all orders to disburse funds.

In addition to the mayor, most cities also have a council president or mayor pro tem. The councilor in this position presides over the council in the mayor’s absence.
Council as “One Voice”

Councilors are elected to a city council, not to an independent seat. Local citizens, despite their diversity of opinions and level of civic engagement, expect the council to function effectively as one body, one voice. There is sometimes a perception by council members that they need to be independent to the point of being contrary on every issue. There is also a fear of being perceived as a “rubber stamp” council. A councilor can and should feel comfortable in expressing diverse opinions, and in debating issues. It is important to show respect for fellow council members, to be willing to move ahead once the issue is thoroughly discussed, to support the government process, and to live with the results of the vote. Effective councils are those in which councilors maintain their individuality and yet work effectively as a “collective” body.

A councilor should never attempt to speak for the entire council, particularly outside of council meetings. It is inappropriate to promise that the council will do something until the council, as a group, has a chance to discuss it and determine a course of action.

Balance

The single most difficult job of a city council is to balance diverse interests and search for common interests. A councilor may react to groups in isolation without considering the larger consequence of his or her actions. It is important to recognize and consider citizen input, but it is equally important to develop perspective. If ten people call on an issue in a city of 19,000, is it indicative of a landslide of public concern, or a well-organized phone campaign? When someone tells a councilor that “everyone in town feels this way”, the councilor should trust his or her own judgment and seek a few more opinions. A council can seldom do everything that everyone wants.

Intergovernmental Relations

Beyond the myriad of issues that are specific to city government, city officials will quickly find that they play a pivotal role in the intergovernmental arena with other local governments—county government, special districts and public schools—as well as regional, state and federal governments. Understanding these relationships and their impact on city government’s ability to provide responsible, efficient and effective governance and delivery of services is important, particularly when funding and staffing resources are limited. Exploring new and innovative ways of funding and providing public services is one of the challenging issues facing elected officials.

It is important to recognize that the reasons you are running for office will become part of a “full plate” of issues (many with which you are not yet familiar). Because of the urgency and the complexity of these issues, government must work together to address them. Cities no longer do their government business in isolation. The key to success is cooperation and collaboration.
Sources of Law

Local government, for many purposes, is a political subdivision of the state. The main sources of law governing local government are the state constitution, state law (statutes), decisions of state courts, and city charters and ordinances. Cities are also subject to federal laws and the United States Constitution.

Local elected officials should be familiar with their city’s charter and ordinances, as well as the state laws regarding open meetings, public records, budgeting, public contracting and prevailing wage, ethics, and conflict of interest, some of which are described below.

Home Rule

The term “home rule” refers to the authority of a city to set policy and manage its own affairs. Without charter home rule, state law controls the existence, form of organization, functions, powers and finances of local government. This form of home rule is referred to as “statutory” home rule. Most home rule authority is conferred on a city by its charter. A charter can be thought of as the city’s constitution and may also be amended by a vote of the citizens of that community. Most cities in Oregon have home rule charters.

Ethics and Conflicts of Interest

Public official ethics are governed by various constitutional provisions, the common law, state statutes and, occasionally, charter or ordinance provisions. State law may require officials in your city to file a statement of economic interest each year with the Oregon Government Standards and Practices Commission.

State law also requires that public officials not use their official position or office to obtain financial gain other than official salary, honorariums or reimbursement of expenses. The law limits the value of gifts that officials, candidates or members of their families may solicit or receive, or which any person may offer, and prohibits public officials from soliciting or receiving offers of future employment in return for their influence. The law also prohibits public officials from furthering their personal gain by use of official information.

A conflict of interest relates to taking official action that may result in financial benefit or detriment to the public official, the public official's relative, or a business with which the public official or his/her relative is associated.

The conflict of interest may be an actual or potential conflict of interest. A potential conflict of interest exists when an official takes action that might have a financial impact on that official, a relative, or a business with which the official or official's relative is associated. The public official must declare the potential conflict and describe the nature of the conflict prior to any discussion or vote. After the declaration, the public official may participate in the discussion and vote on the issue, unless the charter or an ordinance provides otherwise.

An actual conflict of interest occurs when the action will result in a financial benefit or detriment. The public official must declare the conflict and describe its nature. The official may not participate in the discussion of the subject and may not take action on it.
Budget and Finance

Budgeting is an annual process by which cities identify the types and levels of services that can be provided within the constraints of available resources. The general budgeting process is prescribed by the Oregon Local Budget Law (ORS 294.305 to 294.565). The Department of Revenue’s Local Government Finance and Taxation section administers the law and provides advice and assistance to cities regarding budget matters. It publishes a budget manual that is the basic reference document for local budget procedures.

In its most basic form, the budget identifies city programs, services and activities. City budgets are organized and expenditures are accounted for by “funds” (e.g., general fund, street fund, sewer fund) or “activities” (such as law enforcement), in order to permit identification and handling of revenue earmarked for special purposes.

Public Meetings Law

The Oregon public meetings law that applies to public bodies is found in ORS 192.610 to 192.710. Under the public meetings law, a governing body’s meetings are open to the public with certain exceptions. Meetings of other city bodies (e.g., planning commission, budget committee, library board, etc.) are also open to the public. Except in emergencies, there must be reasonable notice of regular meetings and at least a 24-hour notice for special meetings. Written minutes of all meetings are required, but executive sessions may be taped instead. Executive, or private, meetings may be held for certain prescribed reasons, but the media must be allowed to attend these meetings and final decisions must be made in the public meeting.

Public Records Law

The public records law (ORS 192.410 to 192.505) applies to all public bodies including governing bodies, officers, departments, commissions, etc. The term “public records” is defined as writing containing information that pertains to the conduct of the public’s business, and includes handwriting, typewriting, photographs, maps, discs, audio tapes, video tapes and electronic mail. ORS 192.500 lists several kinds of records all exempt from disclosure “unless the public interest requires disclosure.” Other than excepted records, all records of a public body are available for public inspection.

Limitations of Power

The local government is subject to statutory, constitutional, judicial and charter limitations. Under Oregon constitutional home rule provisions, the voters of the state have taken from the state legislature, and reserved to the voters of cities, the power to adopt and amend their own city charters. Initiative and referendum powers are also reserved to the voters of the city (Oregon Constitution Article VI, section 10, and Article XI, section 2).

Article I, Oregon’s Bill of Rights, also applies to local governments. Other constitutional limits and restrictions include property tax limitations, prohibitions against lending the credit of a city, and regulation of city elections. Several chapters of state law apply to city government (ORS chapters 221 to 227).
Liabilities

In general, Oregon governments are liable to the same extent as private individuals or entities and for all types of torts (wrongs to private parties)—e.g., personal injury, property damage, wrongful entry, false arrest and detention, malicious prosecution, abuse of process, invasion of privacy, interference with contractual relations, and defamation.

The personal liability of public officials is governed primarily by the provisions of the Oregon Tort Claims Act (OTCA). Federal civil rights law, the common law of torts, and specific Oregon statutes also may impose personal liability. Some examples of personal liability are budget law violations, conflicts of interests, actions outside the scope of official duty, malfeasance in office (willful and wanton neglect of duty), public contracting violations, and public meetings law and public records law violations.

The council should routinely consult the city attorney in making decisions on city affairs. In addition to providing professional and technical services such as preparation of formal opinions and drafting of legal documents, the city attorney can supply informal advice regarding many other matters.

Some types of insurance are required by state law, and cities purchase other types for their own protection. Insurance policies are complex documents, and the advice of competent insurance advisors and the city's legal counsel should be sought to make certain that coverages are adequate for the exposures involved.

City Government Facts

- Oregon has 240 incorporated cities.
- Approximately 67 percent of the state's population reside within city limits.
- The smallest incorporated city is Granite — population 25; the largest is Portland — population 512,395.
- There are approximately 1,490 mayors and councilors in the state.
- Pay for elected officials is determined locally. Compensation varies from no compensation to modest compensation levels for part-time officials. There are a few full-time paid positions, i.e., Beaverton mayor and Portland mayor and commissioners.
- The oldest city is Oregon City, incorporated in 1844. The youngest is Keizer, incorporated in 1982.
How to Minimize the Likelihood of Litigation and Conflict

- Inform yourself about the organization you serve.
- Study and be knowledgeable about the city’s charter and existing policy.
- Remember that your authority derives from the council itself. Alone you have no authority.
- Your first duty is to the public you serve, not to any colleague, chief administrative officer or friend.
- Understand that the council’s basic function is policy making and not administrative.
- Give the city employees the respect and consideration due dedicated, public service professionals.
- Insist that personnel complaints first go through the proper chain of command. If not resolved, only then should complaints come to the council.
- Know the law; respect both the spirit and letter of the law.
- Expect the council to comply with the law.
- Learn the open meetings laws, public contracting laws, budgeting laws, employment laws, etc.
- Insist that all city transactions be ethical, legal and appropriate.
- Hire and use an independent accountant and have a separate audit committee.
- Attend all council meetings. Stay informed. Insist on agendas and copies of reports well in advance of the next meeting. Review meeting minutes.
- Keep current on city business. Attend conferences, workshops and training seminars to learn about legislative changes having an impact on the city.
- Avoid conflict of interest by disclosing potential conflicts and refusing to debate, discuss or vote with respect to any matter in which you or your family has an interest.
- Respect the opinions of other councilors and graciously accept the principle of “majority rule” in council decisions.
- Do not make rash decisions in moments of excitement or emotion. Be sure you have all the facts. Do not rely on only a one-sided version of disputed issues. Demand sufficient information before voting.
- Recognize than an individual councilor has no legal status to act for the council outside of an official meeting, unless authority is given to councilors by majority vote of the council.
- Discourage discussions on matters of overall policy outside of regular council meetings.
- Do not make commitments on any matter that should properly come before the council as a whole.
- Do not allow personal issues to be brought into council considerations.
- Review your insurance and its coverages and exclusions.
- Read and be familiar with Oregon Revised Statutes pertaining to Code of Ethics and Oregon Public Meetings Law.
Communications – The Key to Success

Council effectiveness is dependent upon good group dynamics. Each new configuration of the council creates its own personality and style of operating. As with any group, each council must go through the usual evolution of forming, storming, norming, performing and, eventually, reforming.

A number of city councils in Oregon have adopted internal “communication agreements” to promote effective governance and establish ground rules for working together. The following are examples of such agreements:

<table>
<thead>
<tr>
<th>Council Member Responsibilities and Meeting Guidelines</th>
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</thead>
<tbody>
<tr>
<td>✤ Submit items for the agenda.</td>
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<tr>
<td>✤ State opinions or feelings honestly and openly.</td>
</tr>
<tr>
<td>✤ Stay on the agenda and help others to do so.</td>
</tr>
<tr>
<td>✤ Participate actively; speak out.</td>
</tr>
<tr>
<td>✤ Listen actively; seek clarification.</td>
</tr>
<tr>
<td>✤ Support the open meeting process.</td>
</tr>
<tr>
<td>✤ Facilitate problem solving.</td>
</tr>
<tr>
<td>✤ Protect others’ rights.</td>
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<tr>
<td>✤ Avoid disruptive communication.</td>
</tr>
<tr>
<td>✤ Agree to discuss problems and conflicts when they arise.</td>
</tr>
<tr>
<td>✤ Before each meeting, ask yourself:</td>
</tr>
<tr>
<td>“What would help this council to move ahead and to get this problem resolved?”</td>
</tr>
<tr>
<td>“What can I do to help this council function more effectively?”</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Code of Conduct</th>
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</thead>
<tbody>
<tr>
<td>✤ I will seek to understand others’ perspectives.</td>
</tr>
<tr>
<td>✤ I will honor others in public and protect others in their absence.</td>
</tr>
<tr>
<td>✤ I will focus on issues, not personalities.</td>
</tr>
<tr>
<td>✤ I will be honest and truthful in all deliberations and interactions.</td>
</tr>
<tr>
<td>✤ I will individually support the collective decision-making of the city council. If I disagree with a decision made by the council, I will voice my opinion without personalizing the issue and without eroding the reputation of the city council. Once a decision is made, I will support that decision.</td>
</tr>
<tr>
<td>✤ I will present my views in a forthright, positive manner and respond to questions clearly and directly. I will focus on the present and the future. I will use the past only as data for the present and the future.</td>
</tr>
<tr>
<td>✤ I will not blame others for situations I have an opportunity to resolve.</td>
</tr>
<tr>
<td>✤ I will feel free to visit with other council members outside of meetings, but I will abide by the Oregon Public Meetings Law.</td>
</tr>
<tr>
<td>✤ I will give other council members, the mayor and city manager advance notice of significant matters to be introduced at council meetings.</td>
</tr>
<tr>
<td>✤ If I have a concern or issue with another council member or the city manager, I will go to that person first in a private and timely manner and share that concern. If unresolved, I will present the issue to the mayor in a private and timely manner to seek a means for resolution.</td>
</tr>
<tr>
<td>✤ I support the city’s form of government.</td>
</tr>
</tbody>
</table>

...each council must go through the usual evolution of forming, storming, norming, performing and, eventually, reforming.
Elected Officials and the Public Spotlight

Don't be alarmed if your personal life becomes front page news... Becoming an elected official means living in the public spotlight 24 hours a day. Elected officials come to realize that this is simply a condition that accompanies the position—for better or worse. Don’t be alarmed if your personal life becomes front page news and the “talk of the town”. It’s bound to happen sooner or later.

Media relations is a skill that can work in the city’s favor. It is wise to develop a respectful relationship with the local reporter, and attempt to create a reciprocal relationship. Be sensitive to the reporter’s job and his or her need to meet deadlines.

At the same time, be careful. Never speak “off the record”. Expect anything you say to be used. Don’t assume an interview is over until the reporter has left the scene.

Here are a few guidelines for surviving life in the “public fishbowl”:

- Be truthful.
- If you don’t know the answer, say so.
- Anticipate all situations and questions.
- Be prepared.
- Be accountable and responsible for everything you do and say.

Representing the Public

Two of the most important tasks of local government officials are to discover citizen opinion and to ensure that citizens have sufficient information to form knowledgeable opinions and to make responsible decisions (including voting). For these tasks to be carried out successfully, elected officials must solicit public input and encourage citizen participation and involvement.

Communication is important in achieving effective citizen participation in local government. Success depends on both the attitudes and interests of citizens and city officials. Citizens need to know their efforts are recognized and valued in the decision-making process. Public hearings, advisory committees, town hall meetings, televised council meetings, neighborhood associations, volunteer participation, public opinion polls, and interest groups are ways to connect citizens with city government in a significant way.

Community Visioning and Goal Setting

In Oregon, many councils conduct annual goal setting and community visioning processes.

Setting City Goals

A clear set of goals provides the framework within which nearly all other city activities can be accomplished. Goals provide direction, reduce crisis management environments, develop cohesiveness among council members, allow managers and staff to manage their time and activities effectively, and permit periodic evaluation of progress to make any necessary mid-course corrections.
Without goals a council cannot distinguish between movement and progress. Individuals and groups can spend tremendous effort and resources performing activities that, in retrospect, were not necessary. Often, the reason for this wasted effort is the absence of a clear set of priorities and specific plans for accomplishing them.

Typically, council goals are developed for a one- to two-year period. They are a tool for: a) focusing the council's efforts; b) communicating priority issues to the community; and c) providing clear direction to city staff. Council goals should be articulated in such a way that they are specific, realistic, outcome-based, within the city's control, and measurable. Once goals have been set and adopted by the council, they can be used as a measure for evaluating staff performance, guiding budget decisions, and managing unanticipated issues that arise during the year.

Visioning: Sustaining Quality of Life

City governance is an institution that enables a community of citizens, through their elected representatives, to maintain safety and a good quality of life, which is accomplished by developing policy, adopting implementing laws and ordinances, and planning for the delivery and financing of public services. Success is dependent upon the ability to stay in touch with the public's needs and desires, to understand the issues, and to balance the short- and long-term social, economic and environmental impacts.

A vision statement provides a blueprint for the future and helps the council, staff and citizens to set priorities and make decisions to achieve desired outcomes. In 1993, a group of city government officials gathered and, looking ten years into the future, drafted a vision for Oregonians. These officials represented small, medium and large cities, as well as the diverse regions of the state. The vision reprinted below illustrates how common goals for the future might guide policy, funding allocations and community planning decisions.
Envision Oregon’s Future

In the year 2003, the complexion of Oregon reflects livable, viable communities. Oregon’s vision places emphasis on empowering the individual and strengthening the family by providing quality education; family-wage jobs; medical, health and community services; a safe, clean environment; a reliable, responsive infrastructure; and governing system that responds to community priorities.

Oregon’s education system is well-coordinated and provides quality education where each individual is valued, where educational standards are achieved, where the needs of the business community are met, and where emphasis is placed on life-long learning.

Oregon’s well-trained, well-educated workforce supports a strong, diversified, and robust economy. Business and industry support Oregon’s quality of life by providing family-wage jobs, supporting the family, cooperating with education, investing in the community, and protecting the environment.

Oregon responded to the rapid increase in growth with well-managed use of land, community and housing development, and a successful system of transportation alternatives.

Oregon is still nationally recognized for its natural environment. While Oregon’s growth has put enormous pressure on its natural resources, air, land and water, the cost of preservation and protection has been fairly and reasonably assessed and shared.

Providing for the economically disadvantaged and the physically and mentally disabled is no longer viewed as a burden, but as a responsibility. Cooperative partnerships have been formed among social service agencies, schools, government, business, and community-based organizations to meet human service needs at the local and state levels. Health care is now provided for all Oregon residents.

A renewed sense of community has produced safer, more secure communities and neighborhoods. A wide variety of arts, recreation, leisure and cultural activities is accessible to all citizens. Because residents’ priorities are addressed at the city and county level, citizen trust in government has been regained, community involvement and volunteerism has increased, and local elected leadership is strong.

Oregon government has become more efficient. State and local governments have forged a cooperative working partnership, enabling state government to support and assist local governments’ efforts to effectively administer and finance local programs and services and respond to citizen priorities at the community level.
About the League of Oregon Cities

The League of Oregon Cities (LOC) is a voluntary membership organization of dues-paying city governments in Oregon. The League believes that local problems are best resolved at the local level, and that people are best served by a strong and responsive local government.

Founded in 1925, LOC's membership includes 238 of the 240 incorporated cities in Oregon. The League provides a variety of services to city elected officials and appointed staff, including:

Legislative Services. LOC speaks for a broad and diverse group of cities. Together, cities have a strong, collective voice. LOC works hard to provide legislators, their staff and city members with accurate, timely information. We remind legislators that they share a common interest with municipal officials—we serve the same constituents. The weekly Legislative Bulletin and time-critical action calls involve members during the legislative session.

Policy-Setting. A 55-member Legislative Committee, and several issue-specific Standing Committees, each with members representing large and small communities across the state, guide legislative endeavors. The Oregon Municipal Policy is the official long-range policy statement of Oregon's cities on a wide variety of topics.

Intergovernmental Relations. LOC serves as a liaison with local, regional, state and federal agencies. LOC is a member of, and partner with, the National League of Cities and other prominent local government associations.

Technical Assistance. League staff respond daily to questions from city officials on a wide variety of issues as well as city practices and procedures. We provide sample ordinances and charters and a variety of how to publications, as well as point to additional helpful resources.

Conferences & Training. LOC offers many opportunities for city officials to acquire the necessary skills an up-to-date information to enable them to serve their citizens efficiently and effectively, as well as to provide forums to share knowledge and skills to solve common problems. Examples are the League's annual conference in November, drawing approximately 1,000 officials from across the state; regional meetings on various topics of critical concern; legislative conferences; and affiliate group meetings. In addition, LOC's Elected Officials Workshops cover the basics of governing for officials new to office, and serve as a refresher for "experienced" officials. If you are elected to office, we strongly encourage you to attend this workshop.

Publications. Among the League's most popular publications are its monthly informational newsletter, the LOCAL Focus; the Legislative Bulletin (weekly during the legislative session); and the Handbook for Oregon City Councilors, a must for newly-elected officials.
City of Oregon City
2009
City Commission
Orientation Handbook
# 2009 City of Oregon City
City Commission Orientation Handbook

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CITY COMMISSION

Orientation Manual

Section One

2009 City Commission
City of Oregon City, Oregon

CITY COMMISSION

January 1, 2009

MAYOR
Alice Norris
141 Ogden Drive
Oregon City, OR 97045
503-655-7965 (H)
503-496-1586 x740 (City Voice Mail)
503-701-5267 (Cell)
503-657-7026 (Fax)
anorris@ci.oregon-city.or.us
Term: 01-01-07 to 12-31-2010

COMMISSION POSITION #1
Daphne Wuest
915 Center Street
Oregon City, OR 97045
503-655-9238 (H)
503-702-3988 (C)
503-496-1586 x742 (City Voice Mail)
dwuest@ci.oregon-city.or.us
Term: 01-01-07 to 12-31-2010

COMMISSION POSITION #2
Rocky L. Smith, Jr.
1016 Monroe Street
Oregon City, OR 97045
503-496-1586 x743 (City Voice Mail)
503-679-4464 (Cell)
rsmith@ci.oregon-city.or.us
Term: 01-01-2009 to 12-31-2012

COMMISSION POSITION #3
James J. Nicita
302 Bluff Street
Oregon City, OR 97045
503-496-1586 x741 (City Voice Mail)
503-650-2496 (H)
jnicita@ci.oregon-city.or.us
Term: 01-01-2009 to 12-31-2012

COMMISSION POSITION #4
Doug Neeley
712 12th St.
Oregon City, OR 97045
503-650-5035 (H)
dneeley@ci.oregon-city.or.us
Term: 01-01-07 to 12-31-2010
CITY COMMISSION
Orientation Manual
Section Two
City Charter
Ordaining Clause
To provide for the government of the city of Oregon City, Clackamas County, Oregon; and to repeal all charter provisions of the city enacted prior to the time that this charter takes effect.

Be it Enacted by the people of the city of Oregon City, Clackamas County, Oregon:

Section 1 Title of Enactment.
This enactment may be referred to as the Oregon City Charter of 1982.

Section 2 Name of City.
The municipality of Oregon City, Clackamas County, Oregon, shall continue to be a municipal corporation with the name “Oregon City."

Section 3 Boundaries.
Unless mandated by law, the city shall include all territory encompassed by its boundaries as they now exist or hereafter are modified by the voters. The recorder shall keep in his office at City Hall at least two copies of this charter, in each of which he shall maintain an accurate, up-to-date description of the boundaries. The copies and description shall be available for public inspection at any time during regular office hours of the recorder. (Amended by voters at the City election held May 18, 1999.)

Section 4 Powers of the City.
The city shall have all powers which the constitutions, statutes, and common law of the United States and of this state expressly or impliedly grant or allow municipalities, as fully as though this charter specifically enumerated each of those powers.

Section 5 Construction of Charter.
In this charter no mention of a particular power shall be constructed to be exclusive or to restrict the scope of the powers which the city would have if the particular power were not mentioned. The charter shall be liberally construed to the end that the city may have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to state laws and to the municipal home rule provisions of the state constitution. If the context so requires, the singular pronoun shall be taken to mean and include the plural, the masculine, the feminine and the neuter.
Section 6 Where Powers Vested.

Except as this charter provides otherwise, all powers of the city shall be vested in the Commission.

Section 7 Commission.

In addition to the Mayor, the Commission shall be composed of four Commissioners elected from the city at large for terms of four years each. The term of office of each member in office at the date of amendments to this charter in May, 1990 shall continue until expiration; provided, however, that the term of City Commission position number 5 shall cease as of January 2, 1991. At the 1990 general biennial election, two members shall be elected, and at the 1992 general biennial election, two members shall be elected, and in each case on each fourth year thereafter, a like number shall be elected. The term of office of each Commissioner shall commence on the 2nd day of January after the election of that Commissioner in the preceding November, unless such date shall fall on a legal holiday, in which case such term shall commence on the following day. No person shall be elected to the office of Commissioner for more than two terms of four years in any ten year period. (Adopted by voters at the City election held May 15, 1990)

Section 8 Commissioners.

Each office of Commissioner shall be designated by number. The city recorder shall assign a number to each of the four Commission positions. The numbers so assigned shall be certified by the city recorder to the Commissioner in office holding that position. One copy of the certification shall be sent to the county elections officer. In all proceedings for the nomination and election of candidates for or to the office of Commissioner, every petition for nomination, declaration of candidacy, certificate of nomination or election, shall state the position number of the office to which the candidate aspires, and the candidate's name shall appear on the ballot only for the designated position. Each voter shall have the right to vote for only one candidate for each position on the Commission, and the candidate for each position receiving the highest number of votes for such position shall be considered elected. No person may file for more than one position at any single election. (Adopted by voters at the City election held May 15, 1990)

Section 9 Mayor.

At the 1990 general biennial election, and at every general election each four years thereafter, a Mayor shall be elected from the city at large for a four year term. The Mayor in office at the time this charter is amended in May 1990, shall continue in office until January 2, 1991. The Mayor shall have been a resident of the city for at least twelve months preceding election to that office and shall remain a resident of the city as a condition of holding such office. No person may file for the position of Mayor and City Commissioner at any single election. The term of office of the Mayor shall commence on the 2nd day of January after the election of that position the preceding November, unless such date shall fall on a legal holiday, in which case such term shall commence the following day.

Notwithstanding section 32 of this charter, if at any time after January 2, 1991, the office of Mayor shall become vacant before the normal expiration of that term, a special election shall be held at the next available date to fill that office for the unexpired term; provided, however, if one
hundred eighty (180) days or fewer remain in such term vacated, the Commission shall appoint a person to fill such vacancy for the remainder of the unexpired term.

If a prospective candidate for election to the office of Mayor has been elected either to the office of Mayor or City Commissioner for more than two terms of four years in the previous ten years, that prospective candidate shall not be eligible for election to the office of Mayor. (Adopted by voters at the City election held May 15, 1990 as amended by voters at the City election held November 7, 2000)

Section 9A Commission President.

The Commission shall meet at 8 o’clock P.M. on the first Wednesday in January after the first general election under this charter and shall be called to order by the Mayor. The Commission, including the Mayor, shall then proceed to elect a Commission president by ballot from their number who shall hold office for the term of one year and until a successor shall be elected and qualified. The Commission president shall perform the duties of Mayor in the absence of that officer. In the absence of the Mayor from the city or the inability of the Mayor to act, the president of the Commission shall have and exercise the power to perform all duties of the Mayor. (Adopted by voters at the City election held May 15, 1990)

Section 10 Nominations.

A qualified elector who has resided in the city during the 12 months immediately preceding an election may be nominated for an elective city office to be filled at the election. The nomination shall be by a petition that specifies the office sought and shall be in a form prescribed by the Commission. The petition shall be signed by not fewer than 50 electors. No elector shall sign more than one petition for each office to be filled at the election. If he does so, his signature shall be valid only on the first sufficient petition filed for the office. The signatures to a nomination petition need not all be appended to one paper, but to each separate paper of the petition shall be attached an affidavit of the circulator thereof, indicating the number of signers of the paper and stating that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be. Opposite each signature shall be stated the signer’s place of residence, identified by its street and number or other sufficient designation. All nomination papers comprising a petition shall be assembled and filed with the recorder as one instrument not earlier than 120 nor later than 61 days before the election. The recorder shall make a record of the exact time at which each petition is filed and shall take and preserve the name and address of the person by whom it is filed. If the petition is not signed by the required number of qualified electors, the recorder shall notify the candidate and the person who filed the petition within five days after the filing. If the petition is insufficient in any other particular, the recorder shall return it immediately to the person who filed it, certifying in writing wherein the petition is insufficient. The deficient petition may be amended and filed again as a new petition, or a substitute petition for the same candidate may be filed, within the regular time for filing nomination petitions. The recorder shall notify an eligible person of his nomination, and that person shall file with the recorder his written acceptance of nomination, in such form as the Commission may require, within five days of notification of nomination. Upon receipt of the acceptance of nomination, the recorder shall cause the nominee’s name to be printed on the ballots. The petition of nomination for a successful candidate at an election shall be preserved in the office of the recorder until the term of office for which the candidate is elected expires. In lieu of nomination by petition, an elector may file for office by payment of a $50 filing fee or such greater fee as the Commission may fix.
Section 11 Manager, Judge, and Other Officers.

Additional officers of the city shall be a City Manager and municipal judge, each of whom the Commission shall appoint, and such other officers as the Commission deems necessary. The Commission may combine any two or more appointive offices, except the office of City Manager and municipal judge. In no such combination shall the municipal judge be subject in his judicial functions to supervision by any other office.

Section 12 Salaries.

The compensation for the services of each city officer and employee shall be the amount fixed by the Commission. A Commissioner shall not receive a salary, but may be reimbursed for expenses upon prior authorization of the Commission.

Section 13 Qualifications of Officers.

No person shall be eligible for an elective office of the city unless at the time of his election he is a qualified elector within the meaning of the state constitution and has resided in the city during the twelve months immediately preceding the election. The Commission shall be the final judge of the foregoing qualifications and election of its own members.

Section 14 Meetings.

The Commission shall hold regular meetings in the city at 8 o’clock P.M. on the first Wednesday of each month and on the second Thursday thereafter unless otherwise designated by the Commission. If a meeting date falls on a legal holiday, then it shall be held on the following day. It shall adopt rules for the government of its members and proceedings. The Mayor upon his own motion may, or at the request of three members of the Commission shall, by giving notice thereof to all members of the Commission then in the city, call a special meeting of the Commission for a time not earlier than three nor later than 48 hours after the notice is given. Special meetings of the Commission may also be held at any time by the common consent of all the members of the Commission.

Section 15 Quorum.

A majority of members of the Commission shall constitute a quorum for its business, but a smaller number may meet and compel the attendance of absent members in a manner provided by ordinance.

Section 16 Record of Proceedings.

The Commission shall cause a record of its proceedings to be kept. The ayes and nays upon any question before it shall be taken and entered in the record.

Section 17 Proceedings to Be Public.

No action by the Commission shall have legal effect unless the motion for the action and the vote by which it is disposed of take place at proceedings open to the public.
Section 18 Mayor's Functions at Commission Meetings.

The Mayor shall be chairman of the Commission and preside over its deliberations. He shall have a vote on all questions before it. He shall have authority to preserve order, enforce the rules of the Commission, and determine the order of business under the rules of the Commission.

Section 19 Vote Required.

Except as this charter otherwise provides, the concurrence of a majority of the members of the Commission present at a Commission meeting shall be necessary to decide any question before the Commission.

Section 20 Mayor.

The Mayor shall appoint the committees provided by the rules of the Commission. He shall sign all records of proceedings approved by the Commission. He shall have no veto power and shall sign all ordinances passed by the Commission within three days after their passage. After the Commission approves a bond of a city officer or a bond for a license, contract, or proposal, the Mayor shall endorse the bond.

Section 21 City Manager.

(a) Qualifications. The City Manager shall be the administrative head of the government of the city. He shall be chosen by the Commission without regard to political considerations and solely with reference to his executive and administrative qualifications. He need not be a resident of the city or of the state at the time of his appointment. Before taking office, he shall give a bond in such amount and with such surety as may be approved by the Commission. The premiums on such bond shall be paid by the city.

(b) Term. The manager shall be appointed for an indefinite term and may be removed at the pleasure of the Commission. Upon any vacancy occurring in the office of manager after the first appointment pursuant to this charter, the Commission at its next meeting shall adopt a resolution of its intention to appoint another manager. Not later than four months after adopting the resolution, the Commission shall appoint a manager to fill the vacancy.

(c) Powers and Duties. The powers and duties of the manager shall be as follows:

(1) He shall devote his entire time to the discharge of his official duties, attend all meetings of the Commission unless excused therefrom by the Commission or the Mayor, keep the Commission advised at all times of the affairs and needs of the city, and make reports annually, or more frequently if requested by the Commission, of all the affairs and departments of the city.

(2) He shall see that all ordinances are enforced and that the provisions of all franchises, leases, contracts, permits, and privileges granted by the city are observed.

(3) The manager shall designate a city recorder, shall appoint and may remove appointive city officers and employees except as this charter otherwise provides, and shall have general supervision and control over them and their work with power to transfer an employee from one department to another. He shall supervise the departments to the end of obtaining the utmost
efficiency in each of them. He shall have no control, however, over the Commission or over the judicial activities of the municipal judge.

(4) He shall act as purchasing agent for all departments of the city. All purchases shall be made by requisition signed by him or authorized designee.

(5) He shall be responsible for preparing and submitting to the budget committee the annual budget estimates and such reports as that body request.

(6) He shall supervise the operation of all public utilities owned and operated by the city and shall have general supervision over all city property.

(d) Seats at Commission Meetings. The manager and such other officers as the Commission designates shall be entitled to sit with the Commission but shall have no vote on questions before it. The manager may take part in all Commission discussions.

(e) Manager Pro Tem. Whenever the manager is absent from the city, is temporarily disabled from acting as manager, or whenever his office becomes vacant, the Commission shall appoint a manager pro tem, who shall possess the powers and duties of the manager. No manager pro tem, however, may appoint or remove a city officer or employee except with the approval of three members of the Commission.

(f) Ineligible Persons. Neither the manager’s spouse nor any person related to the manager or his spouse by consanguinity or affinity within the third degree may hold any appointive office or employment with the city.

Section 22 Municipal Judge.

(a) The municipal judge shall be the judicial officer of the city. He shall hold within the city a court known as the municipal court for the city of Oregon City, Clackamas County, Oregon. All area within the city shall be within the territorial jurisdiction of the court. The municipal judge shall exercise original and exclusive jurisdiction of all offenses defined and made punishable by ordinances of the city and of all actions brought to recover or enforce forfeitures or penalties defined or authorized by ordinances of the city. He shall have authority to issue process for the arrest of any person accused of an offense against the ordinances of the city, to commit any such person to jail or admit him to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in court on the trial of any cause before him, to compel obedience to such subpoenas, to issue any process necessary to carry into effect the judgments of the court, and to punish witnesses and others for contempt of court.

(b) The jury panel for the municipal court shall be selected periodically by the municipal judge in the same manner in which juries are selected for circuit court. In no event may a jury panel serve more than one year. A jury shall be of six in number. Each party shall be entitled to three peremptory challenges in addition to challenges for cause. Challenges shall be taken in the same manner as provided in circuit court. When not governed by ordinances or this charter, all proceedings in the municipal court for the violation of a city ordinance shall be governed by the applicable general laws of the state governing justices of the peace and justice courts.
Section 23 Recorder.

The recorder shall serve ex officio as clerk of the Commission, attend all its meetings unless excused therefrom by the Commission, keep an accurate record of its proceedings, and sign all orders on the treasury. In the recorder’s absence from a Commission meeting, the manager shall appoint a clerk of the Commission pro tem who, while acting in that capacity, shall have all the authority and duties of the recorder.

Section 24 Regular Elections.

Regular city elections shall be held at the same times and places as biennial general state elections, in accordance with applicable state election laws. The recorder, pursuant to directions from the Commission, shall give at least ten days’ notice of each regular city election by posting notice thereof at a conspicuous place in the city hall and in one public place in each voting precinct of the city. The notice shall state the officers to be elected, the ballot title of each measure to be voted upon, and the time and place of the election.

Section 25 Special Elections.

The Commission shall provide the time, manner and means for holding any special election. The recorder shall give at least ten days’ notice of each special election in the manner provided by the action of the Commission ordering the election. The dates of special elections shall be subject to designation by state law.

Section 26 Regulation of Elections.

Except as this charter provides otherwise and as the Commission provides otherwise by ordinances relating to elections, the general laws of the state shall apply to the conduct of all city elections, recounts of the returns therefrom, and contests thereof.

Section 27 Canvass of Returns.

In all elections held in conjunction with state and county elections, the state laws governing the filing of returns by the county clerk shall apply. In each special city election the returns therefrom shall be filed with the recorder on or before noon of the day following, and not later than five days after the election the Commission shall meet and canvass the returns. The results of all elections shall be entered in the record of the proceedings of the Commission. The entry shall state the total number of votes cast at the election, the votes cast for each person and for and against each proposition, the name of each person elected to office, the office to which he has been elected, and a reference to each measure enacted or approved. Immediately after the canvass is completed, the recorder shall make and sign a certificate of election of each person elected and deliver the certificate to him within one day after the canvass. A certificate so made and delivered shall be prima facie evidence of the truth of the statements contained in it.

Section 28 Tie Votes.

In the event of a tie vote for candidates for an elective office, the successful candidate shall be determined by a public drawing of lots in a manner prescribed by the Commission.
Section 29 Commencement of Terms of Office.

The term of office of a person elected at a regular city election shall commence the first of the year immediately following the election.

Section 30 Oath of Office.

Before entering upon the duties of his office, each officer shall take an oath or shall affirm that he will support the constitutions and laws of the United States and of Oregon and that he will faithfully perform the duties of his office.

Section 31 What Creates Vacancy.

An office shall be deemed vacant upon the incumbent’s death; adjudicated incompetence; conviction of a felony, other offense pertaining to his office, or unlawful destruction of public records; resignation; recall from office; or ceasing to possess the qualifications for the office; upon the failure of the person elected or appointed to the office to qualify therefor within ten days after the time for his term of office to commence; or in the case of a Mayor or Commissioner, upon his absence from the city for 30 days without the consent of the Commission or upon his absence from meetings of the Commission for 60 days without like consent, and upon a declaration by the Commission of the vacancy.

Section 32 Filling of Vacancies.

Vacant elective offices in the City shall be filled by appointment. A majority vote of the Commission shall be required to validate the appointment. The appointee’s term of office shall begin immediately upon his appointment and shall continue until the next general election and until a successor is duly elected and qualified to complete the unexpired or new term of office as applicable. During the temporary disability of any officer or during his absence temporarily from the city for any cause, his office may be filled pro tem in the manner provided for filling vacancies in office permanently.

Section 33 Enacting Clause.

The enacting clause of all ordinances hereafter enacted shall be, “Oregon City ordains as follows:"

Section 34 Mode of Enactment.

(a) Except as paragraphs (b) and (c) of this section provide to the contrary, every ordinance of the Commission shall, before being put upon its final passage, be read fully and distinctly in open Commission meeting on two different days.

(b) Except as paragraph (c) of this section provides to the contrary, an ordinance may be enacted at a single meeting of the Commission by unanimous vote of all Commission members present, upon being read first in full and then by title.

(c) Any of the readings may be by title only if no Commission member present at the meeting requests to have the ordinance read in full, or if a copy of the ordinance is provided for each Commission member and three copies are provided for public inspection in the office of the city.
recorder not later than one week before the first reading of the ordinance and if notice of their availability is given forthwith upon the filing, by written notice posted at the city hall and two other public places in the city or by advertisement in a newspaper of general circulation in the city. An ordinance enacted after being read by title alone may have no legal effect if it differs substantially from its terms as it was thus filed prior to such reading, unless each section incorporating such a difference is read fully and distinctly in open Commission meeting as finally amended prior to being approved by the Commission.

(d) Upon the final vote on an ordinance, the ayes and nays of the members shall be taken and entered in the record of proceedings.

(e) Upon the enactment of an ordinance the recorder shall sign it with the date of its passage and his name and title of office, and within three days thereafter the Mayor shall sign it with the date of his signature, his name and title of his office.

Section 35 When Ordinances Take Effect.

An ordinance enacted by the Commission shall take effect on the thirtieth day after its enactment. When the Commission deems it advisable, however, an ordinance may provide a later time for it to take effect, and in case of an emergency, it shall take effect immediately upon the unanimous vote of the Commission.

Section 36 Condemnation.

Any necessity of taking property for the city by condemnation shall be determined by the Commission and declared by a resolution of the Commission describing the property and stating the uses to which it shall be devoted.

Section 37 Improvements.

The procedure for making, altering, vacating, or abandoning a public improvement shall be governed by general ordinance or, to the extent not so governed, by the applicable general laws of the state. Action on any proposed public improvement, except a sidewalk or except an improvement unanimously declared by the Commission to be needed at once because of an emergency, shall be suspended for six months upon a remonstrance thereunto by the owners of two-thirds of the land to be specially assessed therefor. In this section, “owner” shall mean the record holder of legal title or, where land is being purchased under a land sale contract recorded or verified to the recorder in writing by the record holder of legal title to the land, the purchaser shall be deemed the “owner.”

Section 38 Special Assessments.

The procedure for levying, collecting, and enforcing the payment of special assessments for public improvements or other services to be charged against real property shall be governed by general ordinance.

Section 39 Bids.

A contract for a public improvement to be made by a private contractor shall be let to the lowest responsible bidder for the contract and shall be done in accordance with plans and
specifications approved by the Commission. The Commission by ordinance may exempt contracts of a particular nature or under a designated dollar amount from public bidding.

Section 40 Purpose.

The purpose of this Chapter X of the Charter is to prevent the transfer, sale, vacation or major change in use of city parks without first obtaining an approving vote of the legal voters of this city; to designate certain park areas and their use; to preserve the natural beauty of public parks and to protect the rights of citizens in the preservation of their heritage of nature. Its purpose also is to establish authority and procedures for abatement of nuisances and fire hazards for the protection of the public, as well as protection of the rights of individual citizens.

Section 41 Approval by Voters.

The Commission may not do any of the following listed acts with regard to any designated city park or part thereof without first obtaining approval of the legal voters of the city. Said acts are as follows:

(a) Sell, lease or otherwise transfer park property.

(b) Vacate or otherwise change the legal status of any park.

(c) Construct permanent buildings or structures thereon other than for recreational purposes and park maintenance. In any case where at the date of adoption of this section there are existing structures which do not comply with this provision, such structures and any additions and alterations thereto are excepted from the provisions of this section.

(d) Change the status of a natural park; construct buildings, or clear vegetation in a natural park, except for the construction of trails and essential roads and elimination of hazards constituting a clear and present danger to the public.

Section 42 Parks Designated.

The following areas within the city are hereby designated as parks and where noted are designated also as natural parks:

(a) Block 40, OREGON CITY.

(b) Block 96, OREGON CITY.

(c) Block 102, OREGON CITY.

(d) Block 152, OREGON CITY.

(e) The area designated as WATERBOARD PARK on the map of Oregon City revised 1969, and the adjoining areas thereof lying below the high bluff, the westerly end of which area is at the southwesterly corner of Tract 19, FIELDS ADDITION, and the easterly end of which area is approximately at the intersection of Quarry and Third Streets; except any portion thereof lying north of the road running from John Adams Street and the extension thereof around the south
side of the Armory and connecting to South 2nd Street. WATERBOARD PARK as above described is designated as a natural park.

(f) CLACKAMETTE PARK, at the confluence of the Willamette and Clackamas Rivers.

(g) ATKINSON PARK, as designated on the map of Oregon City, revised 1969 and being all of the City land bounded by Sixteenth Street, McLoughlin Avenue, and Jackson Street.

(h) RIVERCREST PARK, as designated on the map of Oregon City, revised 1969.

(i) To the extent that the same is owned by Oregon City, or shall hereafter be acquired by Oregon City, the triangular area bounded on the east by Linn Avenue, on the north by Charman Street and on the southwest by the old portion of Linn Avenue, and which area lies south of Block 26, FALLS VIEW ADDITION, is designated as a natural park.

(j) The city land acquired from the Oregon City School District lying at Fourth and Blanchard Streets in the plat of CANEMAH.

(k) The area designated as KELLY FIELD on the map of Oregon City, revised 1969.

(l) Block 126, OREGON CITY, except Lot 4 thereof.

Section 43 Additional Parks.

Additional parks may be created and land established as parks upon the acceptance by the Commission of a gift to the city for park purposes or a dedication of land as a park. Real property owned or acquired by the city in other manners may be designated as a park by ordinance. Park areas may be specifically designated as natural parks and when so designated shall be maintained as provided in Section 41. Whenever any real property is designated as a park as provided herein, it is subject to all of the provisions of this Chapter X.

Section 44 Regulation of Maintenance.

It is the policy of the city to recognize that there is beauty in natural growth as well as in developed property and that hazards exist on property. It is the policy of the city to reduce dangers but to maintain beauty. It is not the policy nor purpose of this section to allow one group of citizens to impose its standards of beauty on others. To protect the public health and safety, the Commission has power to require property owners to remove trash, rubbish and garbage from their property. The Commission also has power to abate any condition on any private property constituting a public or private nuisance under the law in the state of Oregon. The Commission has power to require property owners to remove dead grass, brush, trees, and other growth which constitutes a direct fire hazard to public or private buildings; provided, however, the Commission may not require the removal of any dead or green vegetation if a sufficient fire break exists between such vegetation and buildings so that the same does not constitute a direct and unreasonable fire hazard to such buildings. The Commission may require property owners to remove noxious weeds and plants if the same are a hazard to persons not on the property or a hazard to adjoining property. Nothing herein contained is intended to restrict the Commission’s right to control the streets. The Commission may establish lines for the planting of shade or ornamental trees and generally regulate the use and development of the portion of street rights-of-way between the property line and the travel portion of the street. If any property owner fails to comply within ten days with a lawful notice given pursuant to this section requiring
the removal of a hazard or nuisance, the Commission may, after hearing, cause the same to be removed and the cost thereof shall be a lien on the property and shall be collected in the same manner as street improvement liens.

Section 45 Method of Disposition.

The use of the decompression chamber and all other methods of killing animals at or by animal control authorities, dog control authorities, pounds, animal shelters, humane societies, and like institutions, public or private, which kill animals is hereby prohibited within the city limits of Oregon City, with the sole exception of the administration of sodium pentobarbital either by injection or orally.

Section 46 Animal Technician.

Said sodium pentobarbital shall be skillfully and humanely administered by a licensed veterinarian or a trained, experienced animal technician. “Animal technician” means an individual who has received a certificate in animal technology, or a comparable certificate, from a recognized college or university or an individual who has successfully completed a recognized course of instruction in the administration of sodium pentobarbital for humane animal euthanasia or an individual who has, in past experience, demonstrated proficiency in the administration of sodium pentobarbital for humane animal euthanasia.

Section 47 Debt Limit.

Except by consent of the voters, the city's voluntary floating indebtedness shall not exceed twenty-five thousand dollars. For purposes of calculating the limitation, however, the legally authorized debt of the city in existence at the time this charter takes effect shall not be considered. All city officials and employees who create or officially approve any indebtedness in excess of this limitation shall be jointly and severally liable for the excess.

Section 48

(Repealed by voters at city election held May 19, 1992.)

Section 49 Civil Service System.

The City Commission shall provide a system of civil service for employees in all full time positions of city service except elected officials as provided for in the charter, the city general manager, city recorder, municipal judge and city attorney; the provisions of said civil service system to be substantially the same in application for all employees, positions and places not herein excluded.

Section 50 Union Membership.

Employees of the city are hereby guaranteed the privilege of joining a union of their own choice. City officials shall not discriminate against any employee who sees fit to join a union, nor shall any person exercise any restraint, interference or coercion to prevent such union membership. Employees of the city may bargain collectively and negotiate with all public officials through
union representatives of their own choosing on all matters affecting wages, working conditions and fringe benefits. When employees of the city so request, the City Commission shall within thirty days after receiving such request through collective bargaining methods establish a grievance procedure providing for the orderly presentation and solution of individual employee grievances as well as group grievances.

**Section 51 South Fork Water Commission.**

The Mayor and two members of the Commission appointed by the Mayor shall constitute the Oregon City members of the South Fork Water Commission.

**Section 52 Penalty.**

The Commission may provide for the punishment of a violation of any ordinance of the city by a fine not to exceed two thousand five hundred dollars and/or one year imprisonment in jail, and for such reasonable court costs as determined by the municipal judge.

**Section 53 Existing Ordinances Continued.**

All ordinances of the city consistent with this charter and in force when it takes effect shall remain in effect until amended or repealed.

**Section 54 Repeal of Previously Enacted Provisions.**

All charter provisions of the city enacted prior to the time that this charter takes effect are hereby repealed.

**Section 55 Time of Effect of Charter.**

This charter shall take effect July 1, 1983.

**Section 56 Garbage Burning Plants.**

No garbage burning plants shall be allowed in Oregon City. (Adopted by voters at the City election held November 2, 1982.)

Resolution No. 82-29 was voted on at a regular City election held November 2, 1982. New City Charter was approved by voters and effective July 1, 1983.

**Section 57 General Obligation Bonds and Revenue Bonds.**

Except as herein provided, upon passage of this amendment to the City Charter, no general obligation bonds or revenue bonds of any nature shall be issued or sold by the City of Oregon City without a vote of the people. The Commission may not adopt or pass any ordinance or resolution providing for the issuance or sale of general obligation bonds or revenue bonds to be an emergency nor use any other means to prevent their referral to the voters.

This section shall not apply to: i) bonds issued pursuant ORS 223.205 et seq. (the Bancroft Bonding Act), or similar law, to finance public improvements through local improvement districts; and ii) any bonds issued to refinance or refund existing or future bonds. (Adopted by voters at the City election held May 21, 1996.)
Section 58 Water Rates.

Upon passage of this amendment to the City Charter city water rates shall be those in effect as of October 31, 1994. The Commission may not increase water rates by more than 3 percent annually without a vote of the people. The Commission may not declare any ordinance or resolution establishing water rates to be an emergency nor use any other means to prevent their referral to the voters. (Adopted by voters at the City election held May 21, 1996.)
The City Commission of the City of Oregon City is composed of the Mayor and four Commissioners elected from the city at large for terms of four years each. The four Commissioner positions are numbered as Position No. 1, Position No. 2, Position No. 3, and Position No. 4. The term of office of each member is four years. The election of City Commissioners is non-partisan and is held in even-numbered years. For example, in 2004 Commissioner Position Nos. 2 and 3 were elected; in 2006 the Mayor and Commissioner Positions Nos. 1 and 4 were elected; and in 2008 Commissioner Positions Nos. 2 and 3 will be elected. The term of office of each Commissioner shall commence on the 2nd day of January after the election of that Commissioner in the preceding November, unless such date shall fall on a legal holiday, in which case such term shall commence on the following day. No person shall be elected to the office of Commissioner for more than two terms of four years in any ten-year period.

The City Commission elects a Commission president at its first meeting in January each year. The Commission president shall perform the duties of Mayor in the absence of that officer. In the absence of the Mayor from the city or the inability of the Mayor to act, the president of the Commission shall have and exercise the power to perform all duties of the Mayor.
FORM OF GOVERNMENT

The City of Oregon City operates through a Commission/Manager form of government consisting of an elected Mayor and City Commissioners who appoint a City Manager to manage the operations Commission/Manager form of government. The City Commission also appoints a municipal judge. The City Manager oversees the operations of seven departments. These departments are:

- Finance
- Public Safety and Police
- Public Works
- Community Development
- Community Services
- Human Resources
- Administration

The City Commission is the City’s legislative and policy-making body. As a whole, the City Commission is responsible for passing ordinances and resolutions necessary for governing the City, in addition to setting the direction of City policy. The City Manager is responsible for the overall administration of the City and works with the City Commission and citizens to plan for the future of the City. The City Manager assists the City Commission in defining and implementing the City’s vision by setting goals and establishing objectives to reach these goals. The City Manager also assists in matters of policy research, identifying areas requiring legislative policy decisions, and preparing recommendations on alternative courses of action.

The employment relationship between the City Commission and the City Manager honors the fact that the City Manager is the chief executive officer of the City of Oregon City. The City Commission should avoid situations that can result in Oregon City staff being directed, intentionally or unintentionally, by one or more members of the City Commission. All dealings with the City Manager, whether in public or private, should respect the authority of the City Manager in administrative matters.

CITY MANAGER CODE OF ETHICS

The City Manager is subject to a professional code of ethics from the International City/County Management Association (ICMA). This code binds the City Manager to certain practices, which are designed to ensure actions are in support of the City’s best interests. For more information on the responsibilities and duties of the City Manager, refer to Section 21 of the City Charter.

MUNICIPAL JUDGE RESPONSIBILITIES

According to the City of Oregon City’s Charter, the municipal judge’s duties include:

- The municipal judge shall exercise original and exclusive jurisdiction of all offenses defined and made punishable by ordinances of the city and of all actions brought to recover or enforce forfeitures or penalties defined or authorized by ordinances of the city.
- The municipal judge shall have authority to issue process for the arrest of any person accused of an offense against the ordinances of the city, to
commit any such person to jail or admit him to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in court on the trial of any cause before him, to compel obedience to such subpoenas, to issue any process necessary to carry into effect the judgments of the court, and to punish witnesses and others for contempt of court.

- The municipal judge shall select jury panels in the same manner as for circuit court.

For more information on the responsibilities and duties of the municipal judge, refer to Section 22 of the City Charter.

**CITY COMMISSION / CITY ATTORNEY RELATIONSHIP**

The City Attorney shall be appointed by and shall serve at the discretion of the City Manager. The City Attorney serves as the legal advisor to the Mayor, City Commission, City Manager, and departments. The general legal responsibilities of the city attorney are:

- Provide legal assistance necessary for formulation and implementation of legislative policies and projects.
- Represent the City’s interests, as determined by the City Commission in litigation, hearings, negotiations, and similar proceedings.
- Prepare contracts, charter amendments, ordinances, bonds, and other legal documents to best reflect and implement the purposes for which they are prepared.
- Keep the City Commission and staff appraised of court rulings and legislation affecting the legal interests of the City.

It is important to note that the city attorney does not represent individual members of the City Commission, but the City Commission as a whole.
CITY COMMISSION
Orientation Manual

Section Four
Guidelines and Duties
For Elected Officials
The Mayor and City Commissioners, as representatives of the City of Oregon City, can render better service if they understand their duties, are aware of their responsibilities, and are informed of the best methods for carrying out their charge. Among their public duties, the Mayor and City Commissioners provide leadership for constituents, arbitrate conflicting interests, and make sound decisions by studying problems and reviewing alternatives to determine the best course of actions. The Mayor and City Commissioners are responsible for establishing policy, adopting the City’s budget, and providing direction to the City Manager. The Mayor and City Commissioners represent the City on local, regional, and state boards, Commissions, and committees.

The City Manager is responsible for implementing the policy decisions of the Mayor and Commission. Because the City Manager is responsible for the day-to-day operation of City government, the Commission issues all priority orders and directives through the City Manager. On occasion, the Mayor or a Commissioner may use the less formal process of making a request or suggestion directly to a department director. If the request or suggestion raises any policy or procedural questions, it should be brought to the attention of the City Manager.

POLICY MAKING

Policy is established by a majority vote of the City Commission’s. While individual members may disagree with a decision of the majority, a decision of the majority does bind the City Commission’s to a course of action. It is the City Manager’s responsibility to ensure the policy of the City Commission’s is implemented.

All phases of the City Commissioner’s job are involved in the determination of policy. The City Manager can assist the City Commission’s in studying and determining municipal policies. A good example of this is the budget process. The City Manager and staff gather the budget information, prepare the budget, review the budget with the budget committee, and submit the budget to the City Commission’s. The City Commission’s reviews the budget, revises as necessary, and adopts the budget.

Policy making is the process of deciding what is to be done for the City. This can easily be confused with how a program is to be administered, which is the responsibility of the City Manager. Simply stated, policy making is the “what to do” and administration is “how to do it.” In municipalities, policy can take the form of ordinances, resolutions, and motions.

APPOINTMENTS

The Mayor and City Commission’s appoint the following positions:

CITY MANAGER / MUNICIPAL JUDGE

*City Charter, Section 11:*

Additional officers of the city shall be a City Manager and municipal judge, each of whom the Commission shall appoint, and such other officers as the Commission deems
necessary. The Commission may combine any two or more appointive offices, except the office of City Manager and municipal judge. In no such combination shall the municipal judge be subject in judicial functions to supervision by any other office.

BOARDS AND COMMITTEES

City Charter, Section 20
The Mayor shall appoint the committees provided by the rules of the Commission.

OTHER DUTIES

CONTACT WITH CONSTITUENTS
On occasion, the Mayor and City Commissioners are requested to attend a district meeting, neighborhood meeting, or homeowner association meeting. These are opportunities to understand the needs of the residents and can assist in policy making.

CEREMONIAL DUTIES
The Mayor and City Commissioners can expect invitations to groundbreakings, ribbon cuttings, openings for parks, capital improvement projects, business, and special projects.

REPRESENTING THE CITY OF OREGON CITY
Representing the City of Oregon City at the state and federal level in matters of municipal interest is an important role for the Mayor and City Commissioners. Issues that affect the City’s ability to govern and operate successfully are monitored by the City Manager’s Office, and the City Commission, as an elected body, should communicate on such issues with the state and federal legislatures.

CONFERENCES AND TRAININGS
The Mayor and City Commissioners have the opportunity to attend state and national conferences for public officials and municipal organizations. These conferences provide the City Commission with opportunities to create relationships with other elected officials as well as discover what other cities are accomplishing. The Mayor and City Commissioners’ training and conference opportunities are limited by dollars budgeted for such training and conferences and any other requirements as imposed by the City Commission on itself.

MEDIA RELATIONS

TIPS ON MEDIA RELATIONS
Public relations is extremely important and City Commissioners should be prepared to respond to media questions at some time. The following pages contain some tips on media relations.

As an elected official of the City of Oregon City, you play a fundamental role in determining the direction of the City’s goals and objectives. Your position on the City Commission will require you to interact with the media. The following list contains twelve tips on working with the media and the public. These tips will assist you in building media relations and promote a positive image of the City of Oregon City.

1. Remember you are a City Commissioner, elected to serve the citizens of Oregon City. If you keep the needs and desires of the citizens in mind as you perform your duties, the process of reporting your actions is always easier.
2. Remember you are communicating with citizens of Oregon City and surrounding areas, not the reporter. What do you want the citizens to know about what is happening? What type of impact will it have on the City’s quality of life? When you are sending a message to the community, state your message several times. This increases your chances that the reporter will quote you on this point.

3. Remember the reporter is also a citizen. If he or she does not understand a situation or message you are sending, the reporter will not be able to explain it to the citizens. It may be necessary to provide reporters with background information and reports. If you are unable to answer a question, admit you do not know the answer and you will get back to them. Be truthful and only state the facts. Incorrect statements can easily be misinterpreted and greatly affect your image and that of the City. It is okay to say, “I do not know.”

4. Remember that nothing is off the record. Only make statements that you wish to see in print.

5. Remember a relationship with the press must be developed. Involve the media leadership in community questions as major policy issues develop. Thank the media for articles and for their ideas and help. If a reporter prints something you disagree with, talk with them in the same manner you would handle a work associate.

6. Develop internal city hall policies and plans concerning your communications. City Commissioners should understand their responsibilities and the information being released. In many instances, the Mayor or City Manager will release information. The City Commission should be in agreement and understand their responsibilities when dealing with the press. The City Commission should work with the City Manager’s Office in being proactive by bringing stories to the media.

7. Remember to do your research before meeting with reporters. City Commissioners should consult with each other and the Mayor before taking a position on a critical public issue. Consulting with Commissioners, the Mayor, and the City Manager will allow you to better anticipate possible questions from reporters. Know the facts and implications of the policy issues you will be discussing and avoid off-the-wall comments that could lead to embarrassment for both you and the City.

8. Remember to make yourself accessible to reporters.

9. Always honor deadlines when dealing with reporters. Find out when a reporter needs information for the next issue. Know the deadlines of the various local and state newspapers. Supplying the proper information when needed will help you build a relationship with the reporter.

10. Remember you will not always be pleased with articles and editorials that the media prints. Keep an open mind; “news” as defined by the media means something unusual or something significant to the audience. The media will often present other points of view; do not let this affect your relationship with reporters.

11. Remember never to avoid the media when there is bad news. Provide the media with the information they need to know and continue doing business as usual. The faster you provide information to the media, the less opportunity they have to speculate on the issues.
LOBBYING GUIDELINES

The Oregon Government Ethics Commissions publishes an excellent document, *Guide to Lobbying in Oregon*, describing the lobbying regulations in Oregon. Briefly stated, the purpose of the lobbying regulations are as follows:

**ORS 171.730: Lobbying Regulation Purpose**
The Legislative Assembly finds that to preserve and maintain the integrity of the legislative process, it is necessary that the identity, expenditures, and activities of certain persons who engage in efforts to persuade…be publicly and regularly disclosed.

You may be lobbying and be unaware of your actions. As a City Commissioner, it is important to know lobbying regulations. For example, according to the above document, "any of the following activities for which you receive compensation or other consideration, undertaken for the purposes of influencing legislative action or engendering goodwill, would be examples of lobbying:

- Testimony at legislative committee hearings
- Formal appointments
- Casual conversations
- Written correspondence (letters, memos, e-mails, notes)
- Telephone conversations
- Providing
  - Entertainment (sports events, movies, theatre)
  - Dining, cocktail parties
  - Travel and accommodations"

You may or may not be required to register as a lobbyist. KNOW THE LAW, and protect yourself. Contact the OGEC or visit their Web site for more information:

**www.ogec.state.or.us**

*Oregon Government Ethics Commission*
*3218 Pringle Road S.E., Suite 200*
*Salem, OR 97302-1544*
COMMUNICATIONS

One of the most fundamental roles of a City Commissioner is communication. Communication with the public and other jurisdictions to assess community opinions and needs, and communication with City staff to provide policy direction and to gain an understanding of the implications of various policy alternatives are all important tasks for a City Commissioner.

E-MAIL

Each City Commissioner is issued an e-mail address to use for City business, communication with other Commissioners, the City Manager, departments, and constituents. All e-mail communication is subject to Open Records Law, as further discussed in this manual.

CORRESPONDENCE

City Commissioners may be required to write letters to citizens, businesses, or other public agencies. Typically, the Mayor will transmit the City’s position on policy matters to outside agencies and organizations on behalf of the City Commission. Individual Commissioners may need to prepare letters for constituents in response to an inquiry or to provide requested information. Each Commissioner will be provided a supply of letterhead and envelopes for this purpose. City letterhead and staff cannot be used for personal or political purposes.

DO’S AND DON’T FOR ELECTED OFFICIALS

The following collection of guidelines are excerpts from Do’s and Don’ts for Elected Officials, compiled by Patterson Parks Consultants.

RULES FOR EFFECTIVE COUNCILS

Peter Drucker’s Six Rules for Presidents

- Focus on what needs to be done, not necessarily what you want to do.
- Concentrate – don’t splinter yourself. Perhaps six to twelve things need to be done. Pick only one or two if you want to accomplish anything at all. The following is a slight departure from Drucker’s rules: Cities can and must do more. However, you have to determine the saturation level for yourself, your staff, and the community.
- Never bet on a sure thing.
- Don’t micromanage. Appoint good people, define action, give good direction, evaluate progress, demand accountability, and be realistic. When things go wrong, complete the following list in order: Review yourself, look at organizational readiness, evaluate your resources, look at community readiness, and look at staff capabilities.
- Appoint professionals, not friends.
- Once elected, stop campaigning. Always be mindful of the next election. Treat people well, explain your positions, make decisions, and accomplish something.

In the public sector you have to do better than good, you must be efficient, you have to remember the people out there. In government you have to be better financial managers because you have no excess. Ask yourself why you are here and who is your customer.

- Peter Drucker
PATTERSON PARKS’ GUIDELINES FOR COUNCIL BEHAVIOR

- City governance is about relationships. Develop cautious trust in one another and work to build relationships. Broaden your circle and expand your thinking. Help your base of support broaden its thinking. As a Commissioner, you’ll learn more about issues than you thought possible before you took office. Good-old-boy mentality is just who has whose ear.

- Build a relationship with your staff. Understand the management hierarchy and each party’s roles, and respect them. Know that you have an effect on the organization’s morale and ability to perform.

- Give clear direction. Then give the responsibility and authority necessary to carry out tasks and/or accomplish goals.

- Understand that no one will do things exactly as you would. Either be specific in your direction, or accept the outcome as long as goals are accomplished and work is performed within the parameters given.

- Attempt to understand other points of view. (This applies even if you believe you have 20/20 vision and the rest of the world wears bifocals.)

- Do your homework, learn the issues and alternatives, and move the discussion from cliques and emotions to the facts, options, and reality.

- Understand your role and the roles of others. Respect those roles.

- Seek compromise where appropriate.

- Invite your community to participate in the decision-making process. Make sure that those who come to the table bring something positive, including a willingness to find solutions.

- Learn to move forward when you have a consensus. This doesn’t mean total support or unanimity from all. You will have to make difficult (and sometimes unpopular) decisions.

- Once a decision is made, go forth. Evaluate at intervals. Don’t evaluate immediately just because things start badly or because you don’t agree with the decision.

- Don’t be overly concerned with who individually profits from a decision. Instead, ask if the community profits.

- Understand the politics of your community. But don’t become a slave to political correctness, what the media will say or write, or if your position will be popular.

- Preparation is the key to success. Remember the old saying: “The will to win means nothing without the will to prepare.”

- Have a plan (a great plan), communicate the plan, execute the plan, evaluate your progress, and hold people accountable.
GREAT GOVERNANCE

Great governance is:

- Orchestrating, directing, and managing the debate on the community plan and community issues.
- Implementing the plan and addressing issues.
- Periodic review and adjustment of the plan when and if necessary.

LEADERSHIP, ACTION, AND CONTROVERSY

- Citizens expect their Commissioners and civic leaders to have a point of view on today’s events and to be firm about the destination of the organization or civic journey.
- As Commissioners, you don’t report the news – you make it.
- Leadership of your community requires you to be biased about the future. This very trait of leadership will make you a target of those who propose an alternative future.
- When you take a position on issues and the future path of your community, you will be criticized more than someone who takes no stand at all.
- Your credibility will be questioned.
- You must protect your creditability, for it is the metal that allows you to take strong stands.

Leadership is about action:

- Develop an organizational culture for getting things done.
- This culture of execution is a systematic process of:
  - discussing the how and why
  - questioning action and proposals
  - following through
  - ensuring accountability
- The execution culture is about:
  - making assumptions about your community environment
  - assessing your organization’s capabilities
  - linking strategies to operations and the people who are going to implement the strategy
  - synchronizing those people and their various disciplines
  - linking rewards to outcomes
• Dialogue is the key to this culture.
  o How people talk to each other absolutely determines how well the organization functions.
  o Is dialogue politicized, fragmented, or measured?
  o Or, is dialogue candid and reality-based?

EFFECTIVE DEBATE – Action Requires Debate

Points to Remember:
• Arriving at decisions takes time
• Be cordial and polite, but firm and direct
• Major topics may take more than just the business meetings
• Do homework and prepare thoughts before meetings
• Understand timing of issues

Skills Necessary for Debate
• Bringing issues forward
• Honesty in thoughts
• Treatment of others during a debate
• Balance personal desire with those in disagreement
• Discover common ground
• Ability to follow through

How to Debate and Decide
• Specify
  o State ideas succinctly
  o Specify your position
  o Present supporting information and why that position is held
• Clarify
  o Not everyone sees the issue the same. We each bring different background and perceptions to an issue.
  o What are the facts we can agree on and how do we develop the information needed to decide?
  o Allow others to seek clarification of your position.
• Modify
  o Seek modifications or compromise with an attempt to get to common ground to reach the next step
  o Seek who agrees, disagrees, or who will agree with identified modifications
  o Compromise is an art – learn it, seek alternatives, and know your bottom line and what has to be done.
• Ratify
  o When there is agreement or consensus, move on (may not be unanimous)

Steps to Consider in Addressing Issues and What Questions to Ask Yourself and Others in a Debate

What is the problem or issue?

• Define it.
• How does it work?
• What is being proposed?
• What information supports the proposal and is additional information needed to discuss
  and decide the issue? If so, what?
• Does the problem need fixing?
• Is it a priority?
• Do priorities need adjusting to allow staff to address a new issue?
• Do you have a plan of action?
• How much does the solution cost and how will you fund it?
• Does the proposed action address the issues? Does it make it better?
• Do all parties have a common base of information to debate the issue?
• What are the expected outcomes?
• What are the evaluation criteria?

Other Notes:
• Do not try to beat each other down, filibuster, or delay decisions. Once all positions have
  been explored and positions given, determine what (if any) other information is needed
  to make a decision.
• If there is disagreement, work toward a compromise (what is each person willing to give
  on)
• If no compromise is reached, vote and move on. Agree that the majority position will be
  supported, and evaluate at critical points in the implementation to see if the path should
  be continued.

Come prepared. Do homework before the meeting. Do not plan to do homework at the meeting
as this delays others who have come prepared (unless there is a good reason for not being
prepared).

CONTROVERSY

The question is not if, but how you will manage during controversy. You will be debate and
controversy. It is the nature of the public process – the clash of issues, desires, and viewpoints.

• Fight hard for your positions, but remember the collegial role of the Commission. Know
  when you have lost, and help make your colleagues’ decisions a reality. Jefferson said,
  “A commitment to popular consent means a willingness to lose.”
• Work as a Commission to build a base of support for your plan or position.
• Communicate where you are and why you’re there.
• Do your homework – know the issues and alternatives.

DECISION CRITERIA

• What is best for your community?
• What is best for your city?
• Is the decision reasonable and realistic?
• Is the decision legal, fair, equitable?

*Governance is about creating and executing a plan.*
CITY COMMISSION
Orientation Manual

Section Five
City Commissioner
Roles & Responsibilities
CITY COMMISSIONER
Roles And Responsibilities

CITY COMMISSIONER ROLES, RESPONSIBILITIES, AND ACTIVITIES

A. Regulatory Authority---The City Commission is the ultimate authority in City affairs, excluding any litigation or legislation decisions from higher authorities. The City Commission is the contract review board for the City. The City Commission is also the final local appeal in City land use actions

1. Regulatory Actions and Activities
   a. Hold public hearings
   b. Develop and implement other public involvement processes to aid in considerations of proposed ordinances, policies, and procedures
   c. Pass ordinances, approve policies and procedures
   d. Convene as quasi-judicial body to hear land use appeals and render decisions

B. Financial Authority

1. Fiduciary Actions and Activities
   a. Approve contracts for city work (Contract Review Board)
   b. Levy Taxes
   c. Assess fees and other charges for service
   d. Sell bonds
   e. Consider and approve annual or bi-annual budget
   f. Monitor budget throughout the year
   g. Ensure rationally and legality between where money comes from and where money is spent
   h. Ensure cost effectiveness and efficiency in local government service costs, where feasible

C. Employer Authority

1. Employer Actions and Activities
   a. Hire, evaluate, and fire if necessary the City Manager
      (The City Manager is the Commission only employee)
   b. Appoints the Municipal Court Judge
   c. Provide resources to accomplish the work of the city and the goals and direction set by the Commission
   d. Ensure a competitive and responsible wage and benefit program to aid retention and recruitment, where financial feasible
   e. Provide means that City can provide a safe work place for all its employees
   f. Appoints and evaluates performance of Municipal Court Judge and discusses desired direction for Court---Judge is final authority on Court proceedings
D. Representative Authority

1. Representative Actions and Activities
   a. Be the eyes, ears, and voice for the community
   b. Represent all citizens
   c. Understand community issues and assist the community in understanding the issues
   d. Communicate city issues and position of the Commission and City on those issues
   e. Communicate city issues and concerns to other governmental agencies
   f. Provide transparency in all city deliberations where feasible and practical
   g. Make all decisions in public
   h. Adhere to all local, state, and federal laws in the execution of the office of City Commissioner
   i. Be an effective member and representative of the entire Commission
   j. Make decisions in the best interest of the City versus just what is popular
   k. Appoints citizens to advisory committees and receives their recommendations for deliberation and possible action

E. Visioning and Planning Responsibility

1. Visioning and Planning Actions and Activities
   a. Set direction for community and organization
   b. Determines mission and vision for community
   c. Communicate, and gain support for City’s mission, vision, projects, programs, services, and actions
   d. Decide on implementation plan to accomplish mission and vision
   e. Determine branding for community

F. Other Points

1. Ethics
   a. Actual conflict of interest
   b. Perceived conflict of interest

2. Meetings
   a. City Commission---1st and 3rd Wednesdays---7:00 p.m.
   b. City Commission Work Session---Held the Tuesday between regular meetings each month---5:30 p.m.
   c. Special Session of City Commission: Convened as needed; time and date set when needed
   d. Commission Retreat---Annually---May hold retreat to discuss specific issue or issues at other times of year as needed
   e. Executive Session
      i. Personnel Matters
         1. Labor Negotiations
         2. City Manager Evaluations
ii. Litigations
iii. Real Estate Acquisition or Sale

3. How Items Are Placed on Agendas
   a. Commissioner Request
   b. Citizen Request
   c. Staff developed based on Department work plan, project, work toward a
      Commission goal, issue that has risen, or reaction to action taken by
      other public or private entity
   d. Committee Action
   e. Annual or periodic action (i.e. renewal of contracts or agreements)

4. Responsibilities of City Manager
   a. Hires, directs, and fires all City Employees including Department Heads
   b. Oversees day to day operations and activities of City of Oregon City
   c. Ensures Commission direction, goals, and policies are carried out
   d. Develops policy issues and actions for Commission consideration and
      action
   e. Advises Commission on policy issues and business operations of City
      organization
   f. Communicates and explains action and activities of the City
   g. Performs as organizational spokesperson when necessary
   h. Acts as City liaisons to citizens and citizen groups
   i. Acts as Economic Development/ Urban Renewal Director for City of
      Oregon City
   j. Acts as Emergency Management Director in Emergencies
   k. Is Budget Director for City---Prepares and delivers budget to Budget
      Committee and City Commission for their consideration, recommendations, modifications, and approval
CITY MANAGER AND EXECUTIVE MANAGEMENT TEAM EXPECTATIONS

The executive management team (City Manager, Department Directors, City Recorder) has the following expectations:

- Staff will adhere to legal, ethical City procedural and moral laws, regulations, and guidelines.
- The Mayor and City Commission will not attempt to influence or direct staff to make certain recommendations.
- Personnel issues must be the sole discretion of the City Manager, or his/her designee, elected officials will not be involved, to include briefings and/or “lending a sympathetic ear” to the employee or department director, unless requested to do so by the City Manager.
- Performance problems or concerns with members of the executive management team will be addressed through the City Manager. Performance problems or concerns with other employees will be brought to the attention of the appropriate department director. Concerns are not to be made in public, but rather individually.
- It helps staff to have a “heads up” or to be made aware of a question in advance of a City Commission meeting, if possible. This provides staff with sufficient opportunity to conduct any necessary research as required.
- Be cautious in “overacting” to a few citizens complaining/requesting action from the City on various issues. This is not to say that we should not be responsive, but should prioritize the issues accordingly.
- Ensure that the intended direction at a City Commission meeting is made through a motion that is clear. Sometimes staff is unclear about a specific direction when there is tacit “approval through silence.”
- During work sessions and City Commission meetings, allow staff to complete their presentation before getting into details.

INFORMAL RULES

Following are informal rules/guidelines which are currently in practice within the City.

- **Petitions Before City Commission and Boards and Commissions** – The City Commission will not entertain, nor will staff process, proposals or requests from any person, group, or business that is shown to be substantially in non-compliance with prior commitments made to the City of Oregon City.

- **Time Limitations for the Re-Hearing of Petitions or Requests** – Once the City Commission or planning Commission has heard a request on the part of any person, group, or business and a decision rendered, the applicant shall be prohibited from bringing substantially the same request before the governing board or authority for a period of one year.

- **Guidelines for City Commissioners’ Contacts with City Staff** – Mayor/Commissioners may make requests for information from any staff member. Questions requiring research shall be made to department directors. In no circumstance shall Mayor/Commissioners provide direction to any staff member other than the City Manager or through the City Manager.
• **Guidelines Regarding Agenda Items** – It requires the consent or approval of two Commissioners to place an item on the agenda.

**Code Enforcement Policy Direction** – City staff will utilize a systematic code enforcement approach in all commercial areas. Code enforcement in residential areas shall be on a complaint basis unless there is found to be an imminent threat to health and safety for which the inspector shall issue a complaint.

**Guidelines for Mayor and City Commission Interaction with Boards and Commissions**
The Mayor and/or members of the City Commission will not make direct presentation, appeals, testimony, etc. to boards or Commissions as part of the formal board/Commission process unless directed to do so by the City Commission.

**OREGON GOVERNMENT ETHICS COMMISSION**

ORS Chapter 244 requires certain city officials to file a Statement of Economic Interest (SEI) with the Oregon Government Ethics Commission (OGEC) by April 15 of each year. ORS 244.050 requires elected officials who will hold office on April 15 of each year to file SEI’s. In addition, Chapter 244 also requires the filing of a Quarterly Public Official Disclosure form by all public officials who are required to file the SEI.

Public officials who fail to file their SEI and quarterly reports could be liable for a civil penalty of up to $1,000 and/or suspension from performing their official duties.

OGEC will distribute the SEI and quarterly disclosure forms to elected officials in March for completion and submission by April 15. In addition, the city recorder will send the necessary forms to all elected officials and other city officials required to file the SEI.

For further information, please visit the state’s Web site at http://www.ogec.state.or.us.
CITY COMMISSION
Orientation Manual

Section Six
City Commission Meetings
MEETINGS OF THE CITY COMMISSION

City Commission meetings are a vital part of the democratic process in the conduct of the City’s affairs. It is at City Commission meetings that laws, policies, and basic decisions are made for the City of Oregon City. All meetings of the City Commission are open to the public unless noted otherwise.

REGULAR CITY COMMISSION MEETINGS
Regular City Commission meetings are held at 7:00 p.m. on the first and third Wednesdays of each month in the Commission Chambers at City Hall, 320 Warner Milne Road, Oregon City. When a City Commission meeting falls on a legal or national holiday, the meeting shall be held the following day.

SPECIAL CITY COMMISSION MEETINGS
The Mayor may call a special meeting of the City Commission for a time not earlier than three nor later than 48 hours after a notice is given. A special meeting may also be held at the request of three members of the Commission. Special meetings of the Commission may also be held at any time by the common consent of all the members of the Commission.

WORK SESSION
Work Sessions are typically held the Monday prior to the regularly scheduled City Commission meeting at 5:30 p.m. No formal votes may be taken on work session items, although Commissioners may be polled on any matter under discussion at a work session.

EXECUTIVE SESSION
Executive sessions are governed by ORS 192.660 and are closed to the public, except that representatives of the news media shall be allowed to attend most sessions. City Commissioners and staff in attendance shall not disclose to any person the content of any discussion that takes place in an executive session. Executive sessions are typically held prior to or at the end of a regular or special meeting. No executive session may be held for the purpose of taking a final action or making a final decision, although the Commission may reach a consensus in executive session. Formal voting must be taken in open session to allow the public to know the result of the discussion that took place in executive session.

Executive sessions may be held to discuss the following topics:
- Employment and personnel matters.
- Dismissal or discipline matters.
- Matters pertaining to the function of the medical staff of a licensed, public hospital.
- Deliberations regarding labor negotiations.
- Deliberations regarding negotiations of real property transactions.
- To consider information or records that are exempt by law from public inspection.
- To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations.
- To consult with counsel concerning the legal rights and duties of a public body with
guard to current litigation or litigation likely to be filed.
- To review and evaluate the employment-related performance of the chief executive
  officer of any public body, a public officer, employee or staff member who does not
  request an open hearing.
- To carry on negotiations under ORS chapter 293 with private persons or businesses
  regarding proposed acquisition, exchange or liquidation of public investments.
- By a health professional regulatory board to consider information obtained as part of an
  investigation of licensee or applicant conduct.
- By the State Landscape Architect Board, or an advisory committee to the board, to
  consider information obtained as part of an investigation of registrant or applicant
  conduct.
- To discuss information about review or approval of programs relating to security.

**Mayor’s Presiding Role**

The Mayor shall preside over the City Commission’s deliberations. The Mayor shall have
a vote on all questions before it; shall have authority to preserve order, enforce the rules of the
Commission, and determine the order of business under the rules of the Commission.
# CITY OF OREGON CITY

## City Commission Meeting Calendar 2009

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<th>JANUARY</th>
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<td>Jan. 7 Regular Meeting</td>
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<td>Jan. 9-10 Commission Retreat</td>
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<td>Jan. 21 Regular Meeting</td>
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<td>Feb. 10 Work Session</td>
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<td>April 1 Regular Meeting</td>
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<td>April 7 Work Session</td>
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<td>April 15 Regular Meeting</td>
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<td>April 20, 21, 28 Budget Committee meetings</td>
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<td>Aug. 11 Work Session</td>
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<td>Aug. 19 Regular Meeting</td>
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OPEN MEETINGS

The Open Public Meetings Law requires that all meetings of the “governing body of a public body” must be open and public. A meeting generally includes any situation in which a majority of the City Commission meets and discusses the business of that body. Purely social gatherings are expressly exempted, unless the body’s business is discussed.

Any meeting at which at least three members of the City Commission are present and the purpose is to discuss City matters is considered an open meeting and is public. The meeting notice must be posted 24 hours prior to the meeting.

ORS 192.610 to 192.690 describes the open meetings law. Among other matters, this law ensures that the meeting of governing bodies at which decisions about the public’s business are made or discussed are open to the public; that the public has received notice of the time and place of meetings; and that the meetings are accessible to persons wishing to attend.

(Excerpts from the 2005 Oregon Revised Statutes regarding public meetings are printed at the end of this chapter.)

OPEN RECORDS

Under ORS 192.420, every person has a right to inspect any nonexempt public record of a public body. The law requires the custodian of public records (commonly the City Recorder) to provide “proper and reasonable opportunities for inspection and examination of the public records during usual business hours.”

The law expressly authorizes a public body to establish fees “reasonably calculated to reimburse it for its actual cost in making such records available.” These costs may include copying, staff time, research, certifying documents, postage, attorney review, and other costs.

Though the law favors public access to government records, a public body may deny a records inspection request if it can prove that the record is exempt from disclosure. ORS 192.501 contains a list of “conditionally exempted” records.

(Excerpts from the 2005 Oregon Revised Statutes regarding open records are printed at the end of this chapter.)

CONFLICT OF INTEREST

ORS 244.020 defines “Conflict of Interest” as follows:

Any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private pecuniary benefit or detriment of the person or the person’s relative or any business with which the person or a relative of the person is associated unless the pecuniary benefit or detriment arises out of circumstances described in subsection (14) of this section.

At any time the Mayor or City Commissioner believes a potential for conflict of interest exists, he or she is encouraged to consult with the city attorney for advice.
CITY COMMISSION MEETING PROCESS

AGENDA

The City Commission agenda is the official order of business at City Commission meetings. The agenda reflects the City Commission’s duties and responsibilities and the items include consideration and/or approval of programs, expenditures, payments, contracts, agreements, land use and zoning changes, ordinances, resolutions, appointments, and approving or amending the operating and capital improvement project budgets.

The City Manager reviews the tentative agendas for upcoming meetings with the department directors at weekly staff meetings and adjustments and revisions are made. Each agenda item typically includes a Commission report with a background report, staff recommendations, budget impacts, and other pertinent information necessary to make a decision. There are times when reports are made orally at the City Commission meetings, and there will be no supporting materials in the packet. The City Manager is responsible for approving the staff recommendation on each agenda item.

AGENDA PACKET

The City Recorder is responsible for compiling the agenda and supporting materials for the City Commission meetings for the Mayor, Commissioners, and staff. The City Commission receives a binder containing the agenda packet the Friday prior to the meeting, delivered to their home. The packet is also available electronically and posted to the City’s Web site at www.orcity.org. The year 2009 will bring electronic agenda packets, eliminating a majority of the copying costs, and working toward meeting the Commission’s #1 Goal.

If the Mayor or a Commissioner feels that something is missing from the packet or they have a question not covered in the background material, it is suggested they contact the City Manager prior to the meeting. This will enable staff to deliver material to the City Commission during the day or have available by the evening of the meeting.

If a member of the Commission will be absent from the scheduled meeting, the City Recorder’s office should be notified to assist in the preparation of the evening meeting.

POSTINGS

Agendas for all City Commission meetings are posted on the notice board in the lobby of City Hall, at the Oregon City Library, at the Pioneer Community Center, and on the City’s Web site. The agendas are also sent electronically to local news media and other interested citizens.

DINNER

Meetings that prior to 6:00 p.m. will include a catered dinner for the City Commission and department directors. Specific dietary needs should be communicated to the City Recorder.

AGENDA ORDER OF BUSINESS

1. **Call to Order** – The Mayor calls the meeting to order and roll call is taken. A quorum of three Commission members is required to conduct official business.
2. **Flag Salute**

3. **Ceremonies, Proclamations, Presentations** – Examples of ceremonies are swearing in of new Commissioners and Police Officers; proclamations are read and presented by the Mayor; presentations may include annual reports of Boards and Commissions, reports from other local jurisdictions, and recap of community events.

4. **Citizen Comments** – This section allows citizens up to three (3) minutes to present information or raise issues regarding items not on the agenda.

5. ** Adoption of the Agenda** – This section permits time to make additions, deletions, or changes to the current agenda, including removing an item from the consent agenda.

6. **Public Hearings** – Public hearings are required for particular items such as rezoning and vacations, in which public testimony and evidence is presented to the City Commission.

7. **General Business** – New items for consideration such as contracts and agreements, items to be considered at a future meeting, project updates, or items of interest to the City Commission are included here. General business also includes first and second readings of ordinances and resolutions.

   **Ordinances for Introduction (First reading)** – An ordinance is an act of law of the City of Oregon City or through an initiative ordinance enacted by the citizens of Oregon City through the election process. The ordinance for introduction to the City Commission, commonly called the “first reading,” is considered by the Commission and if passed, is generally moved forward to the next Commission meeting for the second reading.

   **Final Ordinances (Second reading)** – If approved at the second reading, the ordinance is passed and becomes effective 30 days following the second reading.

   **Resolutions** – Resolutions are required to authorize expenditure of City funds, establish new funds, authorize certain contractual arrangements on behalf of the City, to call for an election, to amend or rescind an existing resolution, and a number of other municipal actions. A resolution is effective immediately upon approval.

8. **Consent Agenda** – A consent agenda contains routine items which are generally not controversial and do not need further discussion. The group of items may be approved with one motion and one roll call vote. Items may include approval of the minutes, routine resolutions, easements, deeds, and other miscellaneous items.

9. **Communications** –
   a. The City Manager presents his/her report at this point in the meeting.
   b. The Mayor appoints citizens to Boards or Commissions.
   c. The Mayor and Commissioners give reports of their activities in the community.

10. **Adjournment**
VOTING

An oral vote is called for following the motion/second. The voting order changes from meeting to meeting. Abstentions from voting are permitted when the Mayor or City Commissioner has a conflict of interest concerning the item.

PUBLIC HEARINGS

At a public hearing the City Commission will hear and consider any testimony or evidence presented by the applicant or any other interested party on an ordinance before the Commission. In the interest of time and action, each speaker is urged to keep comments as brief and non-repetitive as possible.

All public hearings are recorded. Prior to any statement being made, the speaker shall first give his or her name and city of residence for the record.

The public hearing process for land use items is as follows:

Staff provides report

Public Testimony:
- 15 minutes for applicant
- 5 minutes for representatives of a recognized neighborhood association, government agency, or other incorporated public interest organization
- 3 minutes for individuals
- 5 minutes for applicant’s rebuttal

Questions of Staff / Discussion / Motion

The public hearing process for the appeal process is as follows:

Staff provides report

Public Testimony:
- 10 minutes for appellant
- 10 minutes for applicant
- 5 minutes for representatives of a recognized neighborhood association, government agency, or other incorporated public interest organization
- 3 minutes for individuals
- 5 minutes for applicant’s rebuttal

Questions of Staff / Discussion / Motion

Rebuttal of speakers will be permitted; however, the Mayor will limit cross-examination, which reduces cumulative evidence or repetitive examination, or in order to protect speakers against embarrassment or harassment.

The Mayor will close the public hearing prior to the Commission’s discussion and vote.

ORDINANCES AND RESOLUTIONS

Ordinances are the laws of the City. When an ordinance is initially presented to the City Commission, it is said to be “introduced” or called the “first reading.” The City Charter (Section 34(c) requires that three copies of the ordinance be provided for public inspection in the office of the City Recorder not later than one week before the first reading and that a notice of the reading be posted in three places in the City. If the Commission passes the ordinance at its first reading, it
moves on to the next regularly scheduled meeting for a second reading. Upon a successful vote, the ordinance is approved and becomes final 30 days after the second reading.

When the Commission deems it advisable, however, an ordinance may provide a later time for it to take effect, and in case of an emergency, it shall take effect immediately upon the unanimous vote of the Commission.

Most ordinances are subject to referendum action by citizens during the 30-day period which follows the second reading.

The City Commission does not have the authority to amend, alter, or rescind any ordinance that has been enacted by a vote of the people. As such, an initiative ordinance or any portion of an ordinance resulting from initiative action would have to be returned to the people at an election to alter the wording or rescind the content.

Resolutions, like an ordinance, are created as the result of a formal action of the Commission. A resolution must receive the affirmative vote from a majority of the Commission. Unlike an ordinance, a resolution is usually effective immediately and does not require a second reading or a waiting period to become effective. A resolution, like an ordinance, should be confined to one subject which must be clearly and concisely expressed in the title.

*(Taken from IIMC publication, *Manual for Drafting Ordinances and Resolutions)*

**ROBERT’S RULES OF ORDER**

“The application of parliamentary law is the best method yet devised to enable assemblies of any size, with due regard for every member’s opinion, to arrive at the general will on the maximum number of questions of varying complexity in a minimum time and under all kinds of internal climate ranging from total harmony to hardened or impassioned division of opinion.” *Robert’s Rules of Order*

**BASIC PROVISIONS AND PROCEDURES**

The following summary of *Robert’s Rules of Order* will provide a basic understanding of City Commission meeting procedures.

1. **QUORUM OF MEMBERS** – According to the City Charter, a majority of members of the Commission shall constitute a quorum for its business, but a smaller number may meet and compel the attendance of absent members in a manner provided by ordinance.

2. **MAYOR** – The Mayor is the presiding officer of the City Commission meeting. In the Mayor’s absence, the Commission president will preside at the City Commission meeting. In the absence of both the Mayor and Commission president, the Commission will elect someone to preside at the meeting.

   It is the duty of the presiding officer to call the meeting to order, announce the business before the Commission, recognize Commissioners entitled to speak, state and put to vote all questions before the Commission, and announce the vote, to preserve order and decorum, to decide all points of order subject to appeal to a vote of the entire Commission, and to generally keep the meeting running smoothly. All comments and
questions should be addressed to the presiding officer. If a Commissioner has questions for a staff member or member of the public, those questions should be asked through the presiding officer.

3. DEBATE – Discussion of matters (debate) can only take place after the Mayor has called that item on the agenda. Robert’s Rules requires that there be a motion on the floor prior to any debate or discussion. Generally, the Mayor will recognize Commissioners desiring to speak in the order they indicate by hand motion. The Mayor will recognize all members wishing to speak the first time, prior to recognizing a member the second time.

4. MOTIONS – After a matter has been called by the Mayor and any staff comments have been received, it is appropriate for a Commissioner to make a motion in order that it may be discussed or debated by the Commissioners and action taken. A motion may be very simple, i.e.: “I move adoption of the resolution presented by ______.” This motion is called the MAIN MOTION.

a. MAIN MOTION – The principal, main question or motion is a motion to bring a matter before the Commission for action.

b. SUBSIDIARY OR SECONDARY MOTION – This is a motion applied to the main motion for the purpose of disposing of the main motion, i.e.: “to table,” “to postpone,” “to refer to committee,” “to amend” or to “call the question.” These motions take precedence over the main motion and must be voted on before a vote can be taken on the main motion.

After a Commissioner has made a motion and before the Mayor has stated the questions, that Commissioner may amend or withdraw the motion without approval of the Commission. However, after the Mayor has stated the question and opened it for discussion by the other Commissioners, an affirmative vote of the Commission is needed to amend the motion.

A motion to amend can be amended, but an amendment to an amendment cannot be amended. In other words, a proposed resolution can be amended and that amended part of the resolution can again be amended, but no further amendments can be made to that part without defeating the resolution and beginning all over with a new resolution.

c. INCIDENTAL AND PRIVILEGED MOTIONS – Incidental motions take precedence over main or subsidiary motions and are used to resolve questions about the motions, i.e., a question of order, motion to suspend the rules, or a motion for leave to withdraw the pending main or subsidiary motion. A privileged motion, i.e., to adjourn, takes precedence over all other motions, is undebatable, and thus must be voted on before any other business.

d. THE PREVIOUS QUESTION – A motion to call the previous question or as sometimes stated “to call the question” requires the Mayor to immediately ask the Commissioners to vote on whether debate (discussion) should be closed and the main motion should be voted on at that time.
5. MOTIONS TO RECONSIDER – May a member who was absent at the time a vote was originally taken vote to reconsider the vote? A Commissioner may vote on a motion to reconsider even though that Commissioner was not present at the time the original vote was taken. However, if the Commissioner abstained from voting due to a conflict of interest then that Commissioner would also have conflict of interest on the motion to reconsider.

A motion to reconsider may only be made by a Commissioner who voted on the prevailing side and can only be made at the same meeting at which the original motion was adopted or prior to an ordinance becoming effective. A motion to reconsider and enter on the minutes preserves the matter until the next meeting at which time the vote is taken on the motion to reconsider.
## PARLIAMENTARY PROCEDURE --- AT A GLANCE

<table>
<thead>
<tr>
<th>To Do This:</th>
<th>May you interrupt the speaker?</th>
<th>Do you need a second?</th>
<th>Is it debatable?</th>
<th>Can it be amended?</th>
<th>What vote is needed?</th>
<th>Can it be reconsidered?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adjourn Meeting</td>
<td>&quot;I move that we adjourn&quot;</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No vote</td>
<td>No</td>
</tr>
<tr>
<td>Call an Intermission</td>
<td>&quot;I move that we recess for...&quot;</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Complain about Heat, Noise, Etc.</td>
<td>&quot;I rise to a question of privilege&quot;</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No vote</td>
<td>No</td>
</tr>
<tr>
<td>Temporarily Suspend Consideration of an Issue</td>
<td>&quot;I move to table the motion&quot;</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Majority</td>
</tr>
<tr>
<td>End Debate and Amendments</td>
<td>&quot;I move the previous question&quot;</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>2/3</td>
</tr>
<tr>
<td>Postpone Discussion for a Certain Time</td>
<td>&quot;I move to postpone the discussion until...&quot;</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority</td>
</tr>
<tr>
<td>Give Closer Study of Something</td>
<td>&quot;I move to refer the matter to committee&quot;</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority</td>
</tr>
<tr>
<td>Amend a Motion</td>
<td>&quot;I move to amend the motion by...&quot;</td>
<td>No</td>
<td>Yes</td>
<td>Yes: 4</td>
<td>Yes</td>
<td>Majority</td>
</tr>
<tr>
<td>Introduce Business</td>
<td>&quot;I move that...&quot;</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority</td>
</tr>
</tbody>
</table>

The Motions Listed Above are in Order of Precedence...Those listed Below are in No Particular Order

<table>
<thead>
<tr>
<th>To Do This:</th>
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<th>Can it be amended?</th>
<th>What vote is needed?</th>
<th>Can it be reconsidered?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Protest Breach of Rules or Conduct</td>
<td>&quot;I rise to a point of order&quot;</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No vote</td>
<td>No</td>
</tr>
<tr>
<td>Vote on a Ruling of the Chair</td>
<td>&quot;I appeal from the chair's decision&quot;</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>Majority</td>
</tr>
<tr>
<td>Suspend Rules Temporarily</td>
<td>&quot;I move to suspend the rules so that...&quot;</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>2/3</td>
</tr>
<tr>
<td>Avoid Considering an Improper Matter</td>
<td>&quot;I object to consideration of this motion&quot;</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>2/3: 6</td>
</tr>
<tr>
<td>Verify a Voice Vote by Having Members Stand</td>
<td>&quot;I call for a division of division!&quot;</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No vote</td>
</tr>
<tr>
<td>Request Information</td>
<td>&quot;Point of Information&quot;</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No vote</td>
<td>No</td>
</tr>
<tr>
<td>Take Up a Matter Previously Tabled</td>
<td>&quot;I move to take from the table.&quot;</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Majority</td>
</tr>
<tr>
<td>Reconsider a Hasty Action</td>
<td>&quot;I move to reconsider the vote on...&quot;</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes: 8</td>
<td>No</td>
<td>Majority</td>
</tr>
</tbody>
</table>

**NOTES:**
1: Affirmative votes may not be reconsidered.
2: Unless a vote on question has begun.
3: Unless the committee has already taken up the subject.
4: Unless the motion to be amended is not debatable.
5: Unless the chair submits to the assembly for decision.
6: A 2/3 vote in negative is needed to prevent consideration of main motion.
7: Only if the main question has not been debated yet.
8: Unless the motion to be reconsidered is not debatable.
COMMISSION CHAMBERS

The Commission Chambers is equipped with a state-of-the-art audio visual system. The system provides microphones at the dais, staff tables, and guest table. There are several issues related to the system which are important to keep in mind:

- The microphones are always on.
- To ensure clarity, speak directly into the microphone at no more than one foot away.
- Never make comments during a recording that you do not want as part of the record.
- All guest speakers must speak at the guest’s table. Do not allow guests to speak from the audience, as their comments will not be recorded into the record.

All regular meetings, work sessions, and special City Commission meetings are recorded. Regular meetings are video streamed on the City’s Web site live and are available on demand following the meeting. The regular meetings are also televised live through Willamette Falls Cable Television, and a videotape recording is made to televise the meetings again throughout the week.

The dais is equipped with electronic connections for laptop computers if an electronic agenda packet is the Commissioner’s preferred method of study. Wireless services are also active in the Chambers. The Chambers is equipped with projectors for electronic presentations.

Final Note:

It is the Commission’s role to work with its management staff to develop a vision, course of action, action plan, and parameters for action. At this point, the Commission must allow staff to do its job and then evaluate the performance and adjust direction at critical points along the way.
192.620 Policy. The Oregon form of government requires an informed public aware of the deliberations and decisions of governing bodies and the information upon which such decisions were made. It is the intent of ORS 192.610 to 192.690 that decisions of governing bodies be arrived at openly. [1973 c.172 §1]

192.630 Meetings of governing body to be open to public; location of meetings; accommodation for individuals with disability; interpreters.

(1) All meetings of the governing body of a public body shall be open to the public and all persons shall be permitted to attend any meeting except as otherwise provided by ORS 192.610 to 192.690.

(2) A quorum of a governing body may not meet in private for the purpose of deciding on or deliberating toward a decision on any matter except as otherwise provided by ORS 192.610 to 192.690.

(3) A governing body may not hold a meeting at any place where discrimination on the basis of race, creed, color, sex, age, national origin or disability is practiced. However, the fact that organizations with restricted membership hold meetings at the place does not restrict its use by a public body if use of the place by a restricted membership organization is not the primary purpose of the place or its predominate use.

(4) Meetings of the governing body of a public body shall be held within the geographic boundaries over which the public body has jurisdiction, or at the administrative headquarters of the public body or at the other nearest practical location. Training sessions may be held outside the jurisdiction as long as no deliberations toward a decision are involved. A joint meeting of two or more governing bodies or of one or more governing bodies and the elected officials of one or more federally recognized Oregon Indian tribes shall be held within the geographic boundaries over which one of the participating public bodies or one of the Oregon Indian tribes has jurisdiction or at the nearest practical location. Meetings may be held in locations other than those described in this subsection in the event of an actual emergency necessitating immediate action.

(5)(a) It is discrimination on the basis of disability for a governing body of a public body to meet in a place inaccessible to the disabled, or, upon request of a deaf or hard-of-hearing person, to fail to make a good faith effort to have an interpreter for deaf or hard-of-hearing persons provided at a regularly scheduled meeting. The sole remedy for discrimination on the basis of disability shall be as provided in ORS 192.680.

(b) The person requesting the interpreter shall give the governing body at least 48 hours’ notice of the request for an interpreter, shall provide the name of the requester, sign language preference and any other relevant information the governing body may request.

(c) If a meeting is held upon less than 48 hours’ notice, reasonable effort shall be made to have an interpreter present, but the requirement for an interpreter does not apply to emergency meetings.

(d) If certification of interpreters occurs under state or federal law, the Department of Human Services or other state or local agency shall try to refer only certified interpreters to governing bodies for purposes of this subsection.

(e) As used in this subsection, “good faith effort” includes, but is not limited to, contacting the department or other state or local agency that maintains a list of qualified interpreters and arranging for the referral of one or more such persons to provide interpreter services. [1973 c.172 §3; 1979 c.644 §2; 1989 c.1019 §1; 1995 c.626 §1; 2003 c.14 §95; 2005 c.663 §12]
192.640 Public notice required; special notice for executive sessions, special or emergency meetings.

(1) The governing body of a public body shall provide for and give public notice, reasonably calculated to give actual notice to interested persons including news media which have requested notice, of the time and place for holding regular meetings. The notice shall also include a list of the principal subjects anticipated to be considered at the meeting, but this requirement shall not limit the ability of a governing body to consider additional subjects.

(2) If an executive session only will be held, the notice shall be given to the members of the governing body, to the general public and to news media which have requested notice, stating the specific provision of law authorizing the executive session.

(3) No special meeting shall be held without at least 24 hours’ notice to the members of the governing body, the news media which have requested notice and the general public. In case of an actual emergency, a meeting may be held upon such notice as is appropriate to the circumstances, but the minutes for such a meeting shall describe the emergency justifying less than 24 hours’ notice. [1973 c.172 §4; 1979 c.644 §3; 1981 c.182 §1]

192.650 Recording or written minutes required; content; fees.

(1) The governing body of a public body shall provide for the sound, video or digital recording or the taking of written minutes of all its meetings. Neither a full transcript nor a full recording of the meeting is required, except as otherwise provided by law, but the written minutes or recording must give a true reflection of the matters discussed at the meeting and the views of the participants. All minutes or recordings shall be available to the public within a reasonable time after the meeting, and shall include at least the following information:

(a) All members of the governing body present;
(b) All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;
(c) The results of all votes and, except for public bodies consisting of more than 25 members unless requested by a member of that body, the vote of each member by name;
(d) The substance of any discussion on any matter; and
(e) Subject to ORS 192.410 to 192.505 relating to public records, a reference to any document discussed at the meeting.

(2) Minutes of executive sessions shall be kept in accordance with subsection (1) of this section. However, the minutes of a hearing held under ORS 332.061 shall contain only the material not excluded under ORS 332.061 (2). Instead of written minutes, a record of any executive session may be kept in the form of a sound or video tape or digital recording, which need not be transcribed unless otherwise provided by law. If the disclosure of certain material is inconsistent with the purpose for which a meeting under ORS 192.660 is authorized to be held, that material may be excluded from disclosure. However, excluded materials are authorized to be examined privately by a court in any legal action and the court shall determine their admissibility.

(3) A reference in minutes or a recording to a document discussed at a meeting of a governing body of a public body does not affect the status of the document under ORS 192.410 to 192.505.

(4) A public body may charge a person a fee under ORS 192.440 for the preparation of a transcript from a recording. [1973 c.172 §5; 1975 c.664 §1; 1979 c.644 §4; 1999 c.59 §44; 2003 c.803 §14]

192.660 Executive sessions permitted on certain matters; procedures; news media representatives’ attendance; limits.

(1) ORS 192.610 to 192.690 do not prevent the governing body of a public body from holding executive session during a regular, special or emergency meeting, after the presiding officer has identified the authorization under ORS 192.610 to 192.690 for holding the executive session.
(2) The governing body of a public body may hold an executive session:

(a) To consider the employment of a public officer, employee, staff member or individual agent.

(b) To consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent who does not request an open hearing.

(c) To consider matters pertaining to the function of the medical staff of a public hospital licensed pursuant to ORS 441.015 to 441.063, 441.085, 441.087 and 441.990 (3) including, but not limited to, all clinical committees, executive, credentials, utilization review, peer review committees and all other matters relating to medical competency in the hospital.

(d) To conduct deliberations with persons designated by the governing body to carry on labor negotiations.

(e) To conduct deliberations with persons designated by the governing body to negotiate real property transactions.

(f) To consider information or records that are exempt by law from public inspection.

(g) To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations.

(h) To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

(i) To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.

(j) To carry on negotiations under ORS chapter 293 with private persons or businesses regarding proposed acquisition, exchange or liquidation of public investments.

(k) If the governing body is a health professional regulatory board, to consider information obtained as part of an investigation of licensee or applicant conduct.

(L) If the governing body is the State Landscape Architect Board, or an advisory committee to the board, to consider information obtained as part of an investigation of registrant or applicant conduct.

(m) To discuss information about review or approval of programs relating to the security of any of the following:

(A) A nuclear-powered thermal power plant or nuclear installation.

(B) Transportation of radioactive material derived from or destined for a nuclear-fueled thermal power plant or nuclear installation.

(C) Generation, storage or conveyance of:

(i) Electricity;

(ii) Gas in liquefied or gaseous form;

(iii) Hazardous substances as defined in ORS 453.005 (7)(a), (b) and (d);

(iv) Petroleum products;

(v) Sewage; or

(vi) Water.

(D) Telecommunication systems, including cellular, wireless or radio systems.

(E) Data transmissions by whatever means provided.

(3) Labor negotiations shall be conducted in open meetings unless negotiators for both sides request that negotiations be conducted in executive session. Labor negotiations conducted in executive session are not subject to the notification requirements of ORS 192.640.

(4) Representatives of the news media shall be allowed to attend executive sessions other than those held under subsection (2)(d) of this section relating to labor negotiations or executive session held pursuant to ORS 332.061 (2) but the governing body may require that specified information be undisclosed.

(5) When a governing body convenes an executive session under subsection (2)(h) of this section relating to conferring with counsel on current litigation or litigation likely to be filed, the governing body shall bar any member of the news media from attending the executive session if the member of the news media is a party to the litigation or is an employee, agent or contractor of a news media organization that is a party to the litigation.
(6) No executive session may be held for the purpose of taking any final action or making any final decision.

(7) The exception granted by subsection (2)(a) of this section does not apply to:
   (a) The filling of a vacancy in an elective office.
   (b) The filling of a vacancy on any public committee, Commission or other advisory group.
   (c) The consideration of general employment policies.
   (d) The employment of the chief executive officer, other public officers, employees and staff members of a public body unless:
      (A) The public body has advertised the vacancy;
      (B) The public body has adopted regular hiring procedures;
      (C) In the case of an officer, the public has had the opportunity to comment on the employment of the officer; and
      (D) In the case of a chief executive officer, the governing body has adopted hiring standards, criteria and policy directives in meetings open to the public in which the public has had the opportunity to comment on the standards, criteria and policy directives.

(8) A governing body may not use an executive session for purposes of evaluating a chief executive officer or other officer, employee or staff member to conduct a general evaluation of an agency goal, objective or operation or any directive to personnel concerning agency goals, objectives, operations or programs.

(9) Notwithstanding subsections (2) and (6) of this section and ORS 192.650:
   (a) ORS 676.175 governs the public disclosure of minutes, transcripts or recordings relating to the substance and disposition of licensee or applicant conduct investigated by a health professional regulatory board.
   (b) ORS 671.338 governs the public disclosure of minutes, transcripts or recordings relating to the substance and disposition of registrant or applicant conduct investigated by the State Landscape Architect Board or an advisory committee to the board. [1973 c.172 §6; 1975 c.664 §2; 1979 c.644 §5; 1981 c.302 §1; 1983 c.453 §1; 1985 c.657 §2; 1995 c.779 §1; 1997 c.173 §1; 1997 c.594 §1; 1997 c.791 §9; 2001 c.950 §10; 2003 c.524 §4; 2005 c.22 §134]

192.670 Meetings by means of telephonic or electronic communication.
   (1) Any meeting, including an executive session, of a governing body of a public body which is held through the use of telephone or other electronic communication shall be conducted in accordance with ORS 192.610 to 192.690.

   (2) When telephone or other electronic means of communication is used and the meeting is not an executive session, the governing body of the public body shall make available to the public at least one place where the public can listen to the communication at the time it occurs by means of speakers or other devices. The place provided may be a place where no member of the governing body of the public body is present. [1973 c.172 §7; 1979 c.361 §1]

192.680 Enforcement of ORS 192.610 to 192.690; effect of violation on validity of decision of governing body; liability of members.
   (1) A decision made by a governing body of a public body in violation of ORS 192.610 to 192.690 shall be voidable. The decision shall not be voided if the governing body of the public body reinstates the decision while in compliance with ORS 192.610 to 192.690. A decision that is reinstated is effective from the date of its initial adoption.

   (2) Any person affected by a decision of a governing body of a public body may commence a suit in the circuit court for the county in which the governing body ordinarily meets, for the purpose of requiring compliance with, or the prevention of violations of ORS 192.610 to 192.690, by members of the governing body, or to determine the applicability of ORS 192.610 to 192.690 to matters or decisions of the governing body.
(3) Notwithstanding subsection (1) of this section, if the court finds that the public body made a decision while in violation of ORS 192.610 to 192.690, the court shall void the decision of the governing body if the court finds that the violation was the result of intentional disregard of the law or willful misconduct by a quorum of the members of the governing body, unless other equitable relief is available. The court may order such equitable relief as it deems appropriate in the circumstances. The court may order payment to a successful plaintiff in a suit brought under this section of reasonable attorney fees at trial and on appeal, by the governing body, or public body of which it is a part or to which it reports.

(4) If the court makes a finding that a violation of ORS 192.610 to 192.690 has occurred under subsection (2) of this section and that the violation is the result of willful misconduct by any member or members of the governing body, that member or members shall be jointly and severally liable to the governing body or the public body of which it is a part for the amount paid by the body under subsection (3) of this section.

(5) Any suit brought under subsection (2) of this section must be commenced within 60 days following the date that the decision becomes public record.

(6) The provisions of this section shall be the exclusive remedy for an alleged violation of ORS 192.610 to 192.690. [1973 c.172 §8; 1975 c.664 §3; 1979 c.644 §6; 1981 c.897 §42; 1983 c.453 §2; 1989 c.544 §1]

192.685 Additional enforcement of alleged violations of ORS 192.660.

(1) Notwithstanding ORS 192.680, complaints of violations of ORS 192.660 alleged to have been committed by public officials may be made to the Oregon Government Standards and Practices Commission for review and investigation as provided by ORS 244.260 and for possible imposition of civil penalties as provided by ORS 244.350.

(2) The Commission may interview witnesses, review minutes and other records and may obtain and consider any other information pertaining to executive sessions of the governing body of a public body for purposes of determining whether a violation of ORS 192.660 occurred. Information related to an executive session conducted for a purpose authorized by ORS 192.660 shall be made available to the Oregon Government Standards and Practices Commission for its investigation but shall be excluded from public disclosure.

(3) If the Commission chooses not to pursue a complaint of a violation brought under subsection (1) of this section at any time before conclusion of a contested case hearing, the public official against whom the complaint was brought may be entitled to reimbursement of reasonable costs and attorney fees by the public body to which the official's governing body has authority to make recommendations or for which the official's governing body has authority to make decisions. [1993 c.743 §28]

192.690 Exceptions to ORS 192.610 to 192.690.

(1) ORS 192.610 to 192.690 do not apply to the deliberations of the State Board of Parole and Post-Prison Supervision, the Psychiatric Security Review Board, state agencies conducting hearings on contested cases in accordance with the provisions of ORS chapter 183, the review by the Workers' Compensation Board or the Employment Appeals Board of similar hearings on contested cases, meetings of the state lawyers assistance committee operating under the provisions of ORS 9.568, meetings of the personal and practice management assistance committees operating under the provisions of ORS 9.568, the county multidisciplinary child abuse teams required to review child abuse cases in accordance with the provisions of ORS 418.747, the child fatality review teams required to review child fatalities in accordance with the provisions of ORS 418.785, the peer review committees in accordance with the provisions of ORS 441.055, mediation conducted under ORS 36.250 to 36.270, any judicial proceeding, meetings of the Oregon Health and Science University Board of Directors or its designated committee regarding candidates for the position of president of the university or regarding sensitive business, financial or commercial matters of the university not customarily provided to
competitors related to financings, mergers, acquisitions or joint ventures or related to the sale or other disposition of, or substantial change in use of, significant real or personal property, or related to health system strategies, or to Oregon Health and Science University faculty or staff committee meetings.

(2) Because of the grave risk to public health and safety that would be posed by misappropriation or misapplication of information considered during such review and approval, ORS 192.610 to 192.690 shall not apply to review and approval of security programs by the Energy Facility Siting Council pursuant to ORS 469.530.

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**OPEN RECORDS LAW - EXCERPTS FROM OREGON REVISED STATUTES**

**INSPECTION OF PUBLIC RECORDS**

192.420 Right to inspect public records; notice to public body attorney.

(1) Every person has a right to inspect any public record of a public body in this state, except as otherwise expressly provided by ORS 192.501 to 192.505.

(2)(a) If a person who is a party to a civil judicial proceeding to which a public body is a party, or who has filed a notice under ORS 30.275 (5)(a), asks to inspect or to receive a copy of a public record that the person knows relates to the proceeding or notice, the person must submit the request in writing to the custodian and, at the same time, to the attorney for the public body.

(b) For purposes of this subsection:
   (A) The attorney for a state agency is the Attorney General in Salem.
   (B) “Person” includes a representative or agent of the person. [1973 c.794 §3; 1999 c.574 §1; 2003 c.403 §1]

192.430 Functions of custodian of public records; rules.

(1) The custodian of any public records, including public records maintained in machine readable or electronic form, unless otherwise expressly provided by statute, shall furnish proper and reasonable opportunities for inspection and examination of the records in the office of the custodian and reasonable facilities for making memoranda or abstracts therefrom, during the usual business hours, to all persons having occasion to make examination of them. If the public record is maintained in machine readable or electronic form, the custodian shall furnish proper and reasonable opportunity to assure access.

(2) The custodian of the records may adopt reasonable rules necessary for the protection of the records and to prevent interference with the regular discharge of duties of the custodian. [1973 c.794 §4; 1989 c.546 §1]

192.440 Certified copies of public records; fees; waiver or reduction.

(1) The custodian of any public record that a person has a right to inspect shall give the person, on demand:
   (a) A certified copy of the public record if the public record is of a nature permitting copying; or
   (b) A reasonable opportunity to inspect or copy the public record.

(2) If the public record is maintained in a machine readable or electronic form, the custodian shall provide a copy of the public record in the form requested, if available. If the public record is not available in the form requested, the custodian shall make the public record available in the form in which the custodian maintains the public record.

(3)(a) The public body may establish fees reasonably calculated to reimburse the public body for the public body’s actual cost of making public records available, including costs for summarizing, compiling or tailoring the public records, either in organization or media, to meet the person’s request.

(b) The public body may include in a fee established under paragraph (a) of this subsection the cost of time spent by an attorney for the public body in reviewing the public records, redacting material from
the public records or segregating the public records into exempt and nonexempt records. The public body may not include in a fee established under paragraph (a) of this subsection the cost of time spent by an attorney for the public body in determining the application of the provisions of ORS 192.410 to 192.505.

(c) The public body may not establish a fee greater than $25 under this section unless the public body first provides the requestor with a written notification of the estimated amount of the fee and the requestor confirms that the requestor wants the public body to proceed with making the public record available.

(d) Notwithstanding paragraphs (a) to (c) of this subsection, when the public records are those filed with the Secretary of State under ORS chapter 79 or ORS 80.100 to 80.130, the fees for furnishing copies, summaries or compilations of the public records are those established by the Secretary of State by rule, under ORS chapter 79 or ORS 80.100 to 80.130.

(4) The custodian of any public record may furnish copies without charge or at a substantially reduced fee if the custodian determines that the waiver or reduction of fees is in the public interest because making the record available primarily benefits the general public.

(5) A person who believes that there has been an unreasonable denial of a fee waiver or fee reduction may petition the Attorney General or the district attorney in the same manner as a person petitions when inspection of a public record is denied under ORS 192.410 to 192.505. The Attorney General, the district attorney and the court have the same authority in instances when a fee waiver or reduction is denied as it has when inspection of a public record is denied.

(6) This section does not apply to signatures of individuals submitted under ORS chapter 247 for purposes of registering to vote as provided in ORS 247.973. [1973 c.794 §5; 1979 c.548 §4; 1989 c.111 §12; 1989 c.377 §2; 1989 c.546 §2; 1999 c.824 §5; 2001 c.445 §168; 2005 c.272 §1]

192.445 Nondisclosure on request of home address, home telephone number and electronic mail address; rules of procedure; duration of effect of request; liability; when not applicable.

(1) An individual may submit a written request to a public body not to disclose a specified public record indicating the home address, personal telephone number or electronic mail address of the individual. A public body may not disclose the specified public record if the individual demonstrates to the satisfaction of the public body that the personal safety of the individual or the personal safety of a family member residing with the individual is in danger if the home address, personal telephone number or electronic mail address remains available for public inspection.

(2) The Attorney General shall adopt rules describing:
   (a) The procedures for submitting the written request described in subsection (1) of this section.
   (b) The evidence an individual shall provide to the public body to establish that disclosure of the home address, telephone number or electronic mail address of the individual would constitute a danger to personal safety. The evidence may include but is not limited to evidence that the individual or a family member residing with the individual has:
      (A) Been a victim of domestic violence;
      (B) Obtained an order issued under ORS 133.055;
      (C) Contacted a law enforcement officer involving domestic violence or other physical abuse;
      (D) Obtained a temporary restraining order or other no contact order to protect the individual from future physical abuse; or
      (E) Filed other criminal or civil legal proceedings regarding physical protection.
   (c) The procedures for submitting the written notification from the individual that disclosure of the home address, personal telephone number or electronic mail address of the individual no longer constitutes a danger to personal safety.

(3) A request described in subsection (1) of this section remains effective:
   (a) Until the public body receives a written request for termination but no later than five years after the date that a public body receives the request; or
   (b) In the case of a voter registration record, until the individual must update the individual's voter registration, at which time the individual may apply for another exemption from disclosure.
(4) A public body may disclose a home address, personal telephone number or electronic mail address of an individual exempt from disclosure under subsection (1) of this section upon court order, on request from any law enforcement agency or with the consent of the individual.

(5) A public body may not be held liable for granting or denying an exemption from disclosure under this section or any other unauthorized release of a home address, personal telephone number or electronic mail address granted an exemption from disclosure under this section.

(6) This section does not apply to county property and lien records. [1993 c.787 §5; 1995 c.742 §12; 2003 c.807 §1]

192.447 Nondisclosure of public employee identification badge or card.
(1) As used in this section, “public body” has the meaning given that term in ORS 174.109.

(2) A public body may not disclose the identification badge or card of an employee of the public body without the written consent of the employee if:
   (a) The badge or card contains the photograph of the employee; and
   (b) The badge or card was prepared solely for internal use by the public body to identify employees of the public body.

(3) The public body may not disclose a duplicate of the photograph used on the badge or card. [2003 c.282 §1]

192.495 Inspection of records more than 25 years old. Notwithstanding ORS 192.501 to 192.505 and except as otherwise provided in ORS 192.496, public records that are more than 25 years old shall be available for inspection. [1979 c.301 §2]
CITY COMMISSION
Orientation Manual

Section Seven
Commission Policies
PURPOSE

The purpose of this policy is to establish guidelines for agenda preparation, scheduling, attendance and rules of order for Commission meetings.

APPLICABILITY

The policy applies to all elected officials, administrative personnel and citizens.

IN GENERAL

It is the responsibility of the City Manager to ensure that the Oregon City Commission meeting guidelines are met before, during and after each meeting of the City Commission.

OREGON CITY COMMISSION MEETING GUIDELINES

A. Commission Meetings. Commission meetings are conducted on the first Wednesday and on the second Thursday thereafter of each month beginning at 8:00 PM unless otherwise designated by the Commission. If a meeting falls on a legal holiday, then it will be held on the following day.


C. Length of Commission Meetings. The number of items to be included on the agenda for Commission meetings is left to the discretion of the City Manager. Since it is the desire of the Commission that no meetings exceed two (2) hours in length, the City Manager may adjust the number of items on the agenda accordingly.

D. Special Meetings. The Mayor upon his/her own motion may, or at the request of three (3) members of the Commission shall, by giving notice to all members of the Commission then in the City, call a special meeting of the Commission for a time no earlier than three (3) nor later than forty-eight (48) hours after the notice is given. Special meetings of the Commission may also be held at any time by the common consent of all the members of the Commission.

E. Quorum. A majority of members of the Commission shall constitute a quorum for its business, but a smaller number may meet and compel the attendance of absent members in a manner provided by ordinance.

F. Records of Proceedings. The City Commission shall cause a record of its proceedings to be kept. The ayes and nays upon any question before it, shall be taken and entered in the record.
G. **Proceedings to be Public.** No action by the Commission shall have legal effect unless the motion for the action and vote by which it is disposed of take place at proceedings open to the public.

H. **The Mayor’s Function.** The Mayor shall be chair of the Commission and preside over its deliberations. He/she shall have a vote on all questions before the Commission. He/she shall have authority to preserve order, enforce the rules of the Commission and determine the order of business under the rules of the Commission.

I. **Commission Packets.** Commission packets containing the agenda and relevant staff reports will be delivered to the Mayor and Commission the Friday prior to each City Commission meeting date.

J. **Agenda Preparation.** It is the responsibility of the City Recorder to prepare the City Commission meeting agenda, organize the agenda and staff reports into packets and arrange delivery of the packets to the Mayor and Commission members.

K. **Agenda Items.** Items for the Commission meeting agenda may be placed on the agenda by any of the following methods:

1. By the City Commission through consensus of a majority of members to the City Manager.
2. By City staff through reports reviewed by the City Manager.
3. By the City Manager or Department Directors.
4. By citizens through consensus of a majority of Commission members either through vocal or written requests to include background of the issue to be addressed, the resolution wanted and funding required to gain resolution.
5. By City staff to boards/commissions and committees through reports submitted to the City Manager.
6. By the City’s legal counsel through communication submitted to the City Manager.

L. **Staff Reports.** Staff reports submitted to the City Recorder by department directors for agenda items must be concise and clear and include all the facts and background information necessary for the Commission to make a decision.

It is the responsibility of the department directors to submit to the City Recorder, their staff reports and agenda materials throughout the week prior to the Commission meeting but no later than 12:00 Noon on Thursday of that week.

It is the responsibility of the City Manager to review and sign each staff report and return them to the City Recorder to process for the Commission packets.

M. **Commission Meeting Attendance.** Department directors having items on a Commission meeting agenda must attend that meeting. Other department directors may attend at their option. The City Manager will attend all City Commission meetings, unless excused.

N. **Commission Meeting Follow-Up.** All City Commission requests must be followed up in a timely and efficient manner pursuant to Administrative Policy 2-5: Administrative Response to City Commission Requests.
PUBLIC MEETINGS

PURPOSE

The purpose of this policy is to provide guidelines for public meetings according to ORS 192.610 to 192.690.

APPLICABILITY

This policy applies to the City Commission, Planning Commission, and any other body that requires a quorum in order to make a decision.

IN GENERAL

The Oregon form of government requires an informed public aware of the deliberations and decisions of governing bodies and the information upon which such decisions were made. It is the intent of the City of Oregon City that decisions of its governing bodies be arrived at openly according to ORS 192.610 to 192.690.

DEFINITIONS

A. Decision. A decision means any determination, action, vote, or final disposition upon a motion, proposal, resolution, order, ordinance or measure on which a vote of a governing body is required, at any meeting at which a quorum is present.

B. Executive Session. An executive session is any meeting or part of a meeting of a governing body which is closed to certain persons for deliberation on certain matters.

C. Governing Body. A governing body is the state, any regional council, county, city or district, or any municipal or public corporation, or any board, department, commission, council, bureau, committee or subcommittee or advisory group or any other agency thereof.

D. Meeting. A meeting is the convening of a governing body of a public body for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter. A meeting does not include any on-site inspection of any project or program. A meeting also does not include the attendance of members of a governing body at any national, regional or state association to which the public body or the members belong.

PUBLIC MEETING GUIDELINES

A. Open Meetings. All meetings of a governing body of a public body must be open to the public and all persons shall be permitted to attend any meeting except as otherwise provided by ORS 192.610 to 192.690.

No quorum of governing body shall meet in private for the purpose of deciding on or deliberating toward a decision on any matter except as otherwise provided by ORS 192.610 to 192.690.
B. Meeting Location. Meetings of a governing body of a public body shall be held within the geographic boundaries over which the public body has jurisdiction; or at the administrative headquarters of the public body; or at the nearest practical location.

A governing body shall not hold a meeting at any place where discrimination on the basis of race, creed, color, sex, age, national origin or disability is practiced. However, the fact that organizations with restricted membership hold meetings at the place shall not restrict its use by a public body if use of the place by a restricted membership organization is not the primary purpose of the place or its predominate use.

C. Public Notice. The governing body of a public body shall provide for and give public notice, reasonably calculated to give actual notice to interested persons including news media which have requested notice, of the time and place for holding regular meetings. The notice shall also include a list of the principal subjects anticipated to be considered at the meeting, but this requirement shall not limit the ability of a governing body to consider additional subjects.

1. If an executive session only (according to 192.660) will be held, the notice shall be given to the members of the governing body, to the general public and to news media which have requested notice, stating the specific provision of law authorizing the executive session.

2. No special or emergency meeting shall be held without at least twenty-four (24) hours notice to the members of the governing body, the news media which have requested notice and the general public. In the case of an actual emergency, a meeting may be held upon such notice as is appropriate to the circumstances but the minutes for such a meeting shall describe the emergency justifying less than twenty-four (24) hours notice.

D. Meeting Minutes. The governing body of a public body shall provide for the taking of written minutes of all its meetings. Neither a full transcript nor a recording of the meeting is required, except as otherwise provided by law but the written minutes must give a true reflection of the matters discussed at the meeting and the views of the participants. All minutes shall be available to the public within a reasonable time after the meeting and shall include at least the following information:

1. All members of the governing body present;
2. All motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
3. The results of all votes and except for public bodies consisting of more than twenty-five (25) members unless requested by a member of that body, the vote of each member by name; and
4. A reference to any document discussed at the meeting.

Minutes of executive sessions shall be kept in accordance with the above four (4) points. Instead of written minutes, a record of any executive session may be kept in the form of a sound tape recording which need not be transcribed unless otherwise provided by law. Material, the disclosure of which is inconsistent with the purpose for which a meeting under ORS 192.660 is authorized to be held, may be excluded from disclosure. However, excluded materials are authorized to be examined privately by court in any legal action and the court shall determine their admissibility. Any violation of these public meeting guidelines shall be subject to enforcement proceedings as specified in ORS 192.680 and 192.685.
CITY INSURANCE MANAGEMENT PLAN

PURPOSE

The purpose of this policy is to establish fair and consistent insurance coverage for the City of Oregon City.

APPLICABILITY

This policy applies to the City Commission.

IN GENERAL

In the changing market place it is necessary to continually manage/organize the City's insurance portfolio. The end result of this management process should be cost effective insurance coverage provided at the lowest possible cost. Recognizing the challenge the City shall appoint an Agent of Record to manage its insurance programs in a timely, efficient and cost effective manner.

A. **Appointment.** The City Commission shall appoint an Agent of Record.

B. **Responsibility of Agent of Record.** The Agent of record shall advertise in local trade magazines and any other appropriate publication that the City is receiving proposals on insurance, such as liability, fleet vehicle, fire, false arrest, boiler and any other type of insurance. The Agent of Record shall then make recommendations to the Commission on the proposed type and amount of insurance. These recommendations shall be in the form of a written report showing comparative analysis of the potential providers (including evidential findings). The City Commission shall make the final decision regarding vendor choice.

C. **Length of Appointment.** The City Commission reserves the right to change the Agent of record every three (3) to five (5) years.
DEFENSE OF CITY OFFICIALS IN PROCEEDINGS NOT SUBJECT TO THE OREGON TORT CLAIMS ACT (“OCTA”)

PURPOSE

It is in the public interest of the City of Oregon City that elected officers, members of official City boards, commission and committees, all City employees, and City agents be free of the fear of personal financial hardship resulting from having to defend claims and charges (other than “true” crimes punishable by imprisonment) which are beyond the scope of the OCTA and which arise out of the good faith performance of their duties. This policy is designed to be consistent with ORS 30.285 and shall be so construed.

APPLICABILITY

This policy applies to the City’s elected officers (officers), members of official City boards, commissions and committees (officials), all City employees (employees), and City agents (agents).

DEFINITIONS

Malfeasance is failure to comply with ethical standards of conduct…evildoing, ill conduct, the commission of some act which is positively unlawful, and/or the doing of an act which is wholly wrongful and unlawful.

IN GENERAL

A. Except as otherwise provided by law, the City shall defend, save harmless and indemnify its officers, officials, employees or agents against any tort claim or demand, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of duty.

B. In no event shall the resources of the City be committed to the defense of the City officer, official, employee, or agent unless the City Commission is satisfied that:

1. The act or omission does not constitute malfeasance in office; or
2. The act or omission does not constitute willful or wanton neglect of duty.

C. With respect to matters not covered by the OTCA, the resources of the City should not be committed to the defense of a City officer, official, employee or agent, unless the City Commission is satisfied that:

1. The act or omission of the officer, official, employee, or agent was in good faith and without malice and in course of official duties. Good faith is absent if the officer, official, employee or agent knew or reasonably should have known that the act or omission would violate a law, rule or regulation; and
2. The officer, official, employee, or agent did not act contrary to the advice of legal counsel.

D. In no event should the resources of the City be committed to the defense of a City officer, official, employee or agent charged with a crime punishable by imprisonment unless the Commission is satisfied that it is not a “true” crime in that:

1. The offense charged is based solely on the alleged negligence of the City officer, official, employee, or agent and the City officer, official, employee, or agent was not malfeasant in their position nor willfully or wantonly neglectful of official duty; or

2. It appears that the allegedly criminal act or omission was done or omitted as a conscious and good faith choice between evils in response to an emergency, or as a conscious and good faith attempt to protect persons from injury, disease, or to protect property from damage or destruction, either of which would have been likely and substantial had the City officer, official, employee, or agent not acted in the manner charged; or

3. The only basis for the charge is vicarious liability for the misconduct of a subordinate; and where the City officer, official, employee, or agent clearly did not participate in or condone the subordinate’s conduct knowing or having good reason to know it to be unlawful.

E. Ordinarily the commitment to defend a City officer, official, employee or agent will involve direct payment of defense costs as they are incurred. In any case, however, the City Commission may choose to commit only to reimbursement of validated expenses in the event the City officer, official, employee or agent is ultimately exonerated.

F. In no event will the office of the City Attorney be used to provide primary defense for a City officer, official, employee, or agent on a claim or charge outside the scope of the OTCA. The City Attorney may, however, provide information and assistance to the attorney retained to defend the case unless the City Attorney determines that such assistance would create a conflict of interest or otherwise violate the Code of Professional Responsibility governing attorneys.

G. Nothing in this policy should be construed to entitle any City officer, official, employee or agent to defense. The intent of this policy is to vest discretion with the City Commission with certain restrictions as to when defense funds may be provided. In each case the City Commission should be guided by considerations of what is in the best interest of the City of Oregon City subject to the above conditions and restrictions.
REIMBURSEMENT OF COMMISSIONER EXPENSES

PURPOSE

The purpose of this policy is to ensure that all proper business-related expenses incurred by City Commission members are reimbursed in a timely manner.

APPLICABILITY

This policy applies to all current City Commissioners.

IN GENERAL

City Commissioners shall be entitled to reimbursement for actual and necessary business-related expenses that are not directly billed to the City to include but not limited to dinners, luncheons, breakfasts, phone and fax, and expenses associated with transportation and travel.

REIMBURSABLE EXPENSES

A. **Transportation.**

   1. Personal Vehicle. Mileage will be reimbursed when a Commissioner uses his/her personal vehicle for City business, except mileage will not be reimbursed for travel to and from regularly scheduled Commission meetings requiring the attendance of all Commissioners. Mileage shall be reimbursed at the current IRS rate. Commissioners traveling by personal automobile on City business are required to carry, at the Commissioner’s expense, public liability and property damage insurance at the minimum required by law.

   2. City Vehicle. Travel in City vehicle may be approved under certain circumstances. When travel in a City vehicle is approved, receipts for gas, oil and other supplies purchased enroute must be attached to the Commission Expense Statement (attached).

   3. Rental Cars. A rental car may be permitted when it is in the best interest of the City to do so.

   4. Parking. The City will reimburse a business related parking expense. On trips of more than one (1) day duration long-term economy parking must be used. An original parking receipt will be required for reimbursement.
B. **Lodging.** Hotel accommodations should be appropriate for the purpose of the trip. Receipts for all lodging costs shall be obtained. If members of the family accompany the Commissioner, the reimbursable lodging cost shall be that of a single room. When requested, most hotels and motels will furnish a receipt for a single room when you are using a double room but desire reimbursement for a single. If such an arrangement cannot be made the price of a single should be noted on the receipt for actual lodging costs.

C. **Meals.** All business-related expenses for meals, including trips, will be reimbursed. Receipts must be attached to the Commission Expense Statement.

D. **Phone and Fax Charges.** Long distance telephone and fax calls incurred in the performance of a Commissioner’s duties and responsibilities shall be reimbursed when a Commissioner has been appointed to a project that requires contact with persons or agencies outside the local telephone area. Bills must be attached to the Commission Expense Statement.

**REIMBURSEMENT PROCEDURE**

A. **Commission Expense Statement.** At the end of each month, Commissioners shall itemize all expenses that are not directly paid by the City, on a Commission Expense Statement. Commission Expense Statements shall be forwarded to the City Manager within seven (7) days following the last day of each month. The City Manager will approve and authorize reimbursement for Commission Expense Statements that do not exceed $35.00 per item and $150.00 total for the month. Expenses, which exceed $35.00 per item or $150.00 per month, shall be forwarded to the Board of Commissioners for approval and reimbursement authorization. All approved expenses will be forwarded to Finance for reimbursement.

B. **Direct Pay Expenses.** Expenses that can be directly paid by the City such as airfare, conference registration fees, dues, subscriptions, and etc. should be arranged in advance with the City Manager.
COMMISSION EXPENSE STATEMENT

Name:_________________________________________________ Expenses For The Month(s) of:________________________________________

Signature:_________________________________________________ Date:____________________________________

Please attach receipts. When recording miles include the destination and the beginning and ending odometer readings for each trip.

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City Manager’s Signature:_________________________________________________ Date:____________________

Approved By City Manager______Yes______No
Approved by City Commission______Yes______No

COMMISSION POLICY 1-13
Adopted August 19, 1998

ALCOHOLIC BEVERAGE SERVICE IN MUNICIPAL BUILDINGS

PURPOSE

The purpose of this policy is to establish regulations for lessees who want to serve alcoholic beverages including, but not limited to beer, wine and champagne (hereinafter “alcoholic beverages”), in municipal buildings.

APPLICABILITY

This policy applies to municipal buildings that are leased for wedding receptions, retirement functions, class reunions, and all similar events where alcoholic beverages will be served.

IN GENERAL

It is the responsibility of the Community Activity Director or designee to coordinate the rental of municipal buildings and the implementation of this policy.

It is the City’s responsibility to minimize City liability related to the rental of municipal buildings for private use when alcoholic beverages will be served.

It is the lessee’s responsibility to safeguard the safety and health of Oregon City residents and others when the lessee allows alcoholic beverages to be served in leased municipal buildings.

Any lessee who serves alcoholic beverages in a municipal building shall ensure all state and local laws are complied with by serving the alcoholic beverages and by those consuming the alcoholic beverages.

SPECIFIC REQUIREMENTS:

A. TIME LIMIT. Alcoholic beverages may be served in leased municipal buildings for period of time not to exceed four (4) hours.

B. FOOD: Food must be served if alcoholic beverages are being served.

C. INSURANCE. The lessee shall obtain, at the lessee’s expenses, a $1,000,000 liability insurance policy for bodily injury, including death and property damage. The lessee shall name the City, its officers, agents, and employees, as additional insureds on the policy. The lessee shall provide the City with a copy of the Certificate of Insurance of this effect at least seven (7) days before the lease commences. The Certificate of Insurance shall contain a clause to the effect that the City shall be notified in writing no less than seventy-two hours (72) hours in advance of the event insured if the policy is canceled or substantially modified.
D. INDEMNITY. The lessee shall sign an agreement with the City in which the lessee agrees to hold harmless and defend the City, its officers, agents, and employees from and against any and all claims arising out of the lessee's use of the municipal building.

E. OLCC LICENSE. In accordance with state law, if any financial compensation is going to be provided in exchange for alcoholic beverages, the lessee shall obtain a license from the Oregon Liquor Control Commission ("OLCC"). The lessee shall provide the City a copy of any such license at least seven (7) days before the lease commences.

F. OLCC PERMIT. Any person who will be serving alcoholic beverages in the leased municipal building must obtain an OLCC service permit. The lessee shall provide the City a copy of the OLCC permit at least seven (7) days before the lease commences.

G. RENTAL. The hourly rental of municipal buildings for events where alcoholic beverages will be served will be forty percent (40%) more than the hourly rental that is charged for use of a municipal building where no alcoholic beverages are served.

H. DEPOSIT. The lessee shall provide a $500 security and damage deposit prior to the event. This deposit may be made via credit card, which will not be charged unless there is damage to the building as a result of the lessee's use of the building.
CITY COMMISSION

Orientation Manual

Section Eight

Boards and Committees
Boards and Committees are established in the City of Oregon City for the purpose of advising the City Commission as provided by the Charter or by ordinance. Members of such boards shall be appointed by the Mayor. A description of each board and committee can be found on the City’s Web site at:


The following Boards and Committees are active or semi-active in the City of Oregon City:

- Budget Committee
- Clackamas Cable Access Board
- Historic Review Board
- Hazard Mitigation Coordinating Committee
- Library Board
- Oregon City Civic Improvement Trust
- Oregon City Metro Enhancement Committee
- Parking Advisory Board
- Parks and Recreation Advisory Committee
- South Fork Water Board
- Transportation Advisory Committee
- Urban Renewal Commission
- Urban Renewal Budget Committee

The following are inactive groups:

- Citizen Involvement Committee
- Civil Service Board
- Natural Resource Committee
- Historic Trails Committee
- Rate and Fee Review Committee
- Tree Committee
- Tatashina Sister City Committee
- Joint Housing and Fire Appeals Board
- Arts Commission
SUPPORT FOR THE CITY COMMISSION

The City Recorder’s Office is the City Commission’s contact for administrative matters such as expense reports, travel arrangements for City-related business, training and conference registration, agenda packets, city hall access, and other housekeeping needs. Due to staff limitations, the City Recorder’s Office is not able to provide personal clerical or administrative duties for the City Commission. Should required tasks require significant time commitments, prior consultation with the City Manager is requested.

MAIL DELIVERY

Mail is collected for the City Commission and delivered to their homes with the agenda packets twice a month. In addition, mail is placed at the dais in the Commission Chambers prior to meetings. Commissioners are welcome to stop by City Hall at their convenience to pick up mail if they so desire. The Mayor’s mail is placed in a mailbox in the mail room at City Hall.

ACCESS TO INFORMATION

The Mayor and City Commissioners have access to any City information, reports, or correspondence and can be provided the documents through the City Manager’s Office. In cases where a staff response to an individual City Commissioner request involves written material, which may be of interest to other Commissioners, the City Manager may provide copies of the material to the entire City Commission. In making this decision, the City Manager will consider whether the information is significant, new, otherwise not available to the commission, or of interest to the entire commission.

CITY HALL ACCESS

Internal access at City Hall is achieved through key cards assigned to each City Commission member. New Commissioners will be assigned a key card through the Public Safety Director.

E-MAIL ACCESS

Each City Commission member will be assigned a City e-mail account. The e-mail address will be printed on the Commissioner’s business cards. Again, the contents of all e-mail are subject to the Open Records Law, as previously discussed.

VOICE MAIL ACCESS

Members of the City Commission are assigned a phone number and extension with voice mail privileges to receive messages. Access to this service will be given upon election or appointment to the Commission. This number will also be printed on business cards and made accessible to the general public via the City’s Web site.

Instructions to Set-up/Access Voice Mail:

To access the voice mailbox, dial 503-496-1586, wait for the standard greeting and then press the pound (#) key. The system will ask you to enter your mailbox number and will give you a list of options. Chose option 4 for your mailbox functions.
**Set-Up**
1. Greeting
2. Change message notification
3. Set call transfer
4. Auto forward
9. Change your password

When setting up your greeting (option 1):
1. No answer
2. Busy
3. Gone home
4. Name announcement
5. Options

**MESSAGE RETRIEVAL**
1. Dial 503-496-1586
2. Wait for the standard greeting and dial the pound (#) key
3. Enter your voice mailbox number
4. Follow the prompts

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<thead>
<tr>
<th>Mayor voice mailbox 740</th>
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<tbody>
<tr>
<td>Commission Position 1 voice mailbox 742</td>
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<td>Commission Position 2 voice mailbox 743</td>
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<td>Commission Position 3 voice mailbox 741</td>
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<td>Commission Position 4 voice mailbox 744</td>
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MEMORANDUM

DATE: December 11, 2008
TO: Councilor-Elect Sloan
FROM: Randy Kugler, City Manager
RE: Council Procedures and Organizational Information

The following is a variety of basic information that you should become familiar with. My hope is that such information will be helpful and not cause despair as you try to absorb the many responsibilities associated with your office. Let me assure you that there are no “dumb questions”, and I or other staff members are available to answer any questions you may have.

INTRODUCTION

The city council is like any other deliberative body; it has public business to conduct and must process it in accordance with rules and procedures adopted by law. This memorandum discusses the sources of our rules, types of motions, and voting procedures.

The formal decisions you make as the city’s governing body will be in the form of ordinances, resolutions, or motions. This memo first introduces the city charter and the city’s general ordinances. Then, with this background, the memo presents the purpose behind and formal procedures involved in the adoption of ordinances, resolutions, and motions.
A. **THE CITY ChARTER**

What is the City Charter?

The charter is "the supreme law of the city" and sets out the overall structure of city government. It is like a constitution for the city. The charter defines the roles of the mayor, the council, the city manager, and other officials of the city. Among other things, the charter provides for the council-manager form of government, specifies the manner in which council meetings shall be conducted, how vacancies in office shall be filled, how ordinances are passed, and how public improvements can be made. The council must comply with rules found in the charter because they were enacted by the voters of the city and only the voters can change or alter a charter provision.

How is the charter amended?

The charter can only be amended by a majority of voters at an election. Proposed amendments must be referred to the voters by the council by resolution or by initiative/petition process.

B. **ORDINANCES**

What is an ordinance?

If the charter is like a constitution, then an ordinance can be thought of as a statute. The ordinances are the laws that govern your city. An ordinance can establish a standard of conduct, such as the building code requires houses to be constructed a certain way. Also, an ordinance can describe procedures for how the public's business shall be conducted.

What are the two types of ordinances?

Ordinances can be general or special. General ordinances commonly apply to all members of the community. They are intended to have a permanent effect and generally adopt rules and procedures. Examples are the Land Development Code, Criminal Code, Traffic Code, and Building Code. Special ordinances are limited in their application, either in time or in persons or property affected, or both. Examples include an ordinance vacating a street, calling a special election, authorizing a bond sale, forming an improvement district, or spreading assessments for a public improvement.

An ordinance is a local law of the city, and it is the most formal action you will take. In many cases, the form of the decision will be dictated by federal, state, or local law. For example, state law requires the formation of a local improvement district be done by ordinance (while the adoption of the city's annual budget be done by resolution).

How are ordinances enacted?

Ordinances are introduced to the council at a council meeting by a "first reading". Generally, ordinances are read by title only, if no council members object. Each
ordinance receives two readings on two different days unless the ordinance is approved by a unanimous vote of the council or is defeated at its first reading. If there is a dissenting vote, the ordinance is presented again at the next council meeting. If the vote is unanimous, the second reading may be done at the same meeting as the first reading.

Ordinances may be amended by motion after any reading provided the amendment does not materially alter the substance of the ordinance. After an ordinance is enacted, it can only be amended or repealed by the enactment of another ordinance.

When does an ordinance go into effect?

Usually, an ordinance becomes effective on the 30th day after its passage by the council, unless an emergency is declared. If an emergency is declared, the ordinance takes effect immediately. The council may also provide for a specific future effective date.

C. RESOLUTIONS

When does the council act by resolution?

Resolutions generally relate to municipal matters of a temporary or special concern. They are administrative in nature and often execute laws already in effect. Some common types are resolutions: stating the city's intent to improve a street, sidewalk, waterline, etc.; adopting the budget; and submitting measures to the voters.

Unlike ordinances, a council member must formally move for the adoption of the resolution. Resolutions are adopted by a majority vote of those members of the council present at the council meeting at which the resolution is presented. They become part of the council minutes. Resolutions may be rescinded or amended at a subsequent meeting by the adoption of another resolution.

D. COUNCIL VOTES

How may the council vote?

Voting on matters that come to the council is one of your fundamental rights and obligations as elected officials. The public meetings law requires that all votes are public and not secret. The minutes of the meeting will reflect how each of you votes on motions or ordinances. Occasionally, voting will be by ballot (for example, the election of President of the council); however, council members will need to sign the ballots and the votes will be shown in the minutes.
E. PARLIAMENTARIAN

Who is the parliamentarian?

The city attorney performs the duties of parliamentarian for the council. The mayor, or presiding officer, actually make decisions or issue rulings on matters that come before the council. The parliamentarian simply offers advice to the deliberative body, which they may accept or reject. At any time during a council meeting, the mayor or any member of the council may seek the advice of the city attorney. It is often very helpful for a council member to state an objective and ask the parliamentarian how that can best be achieved. Parliamentary procedure is a tool to accomplish the purposes of the deliberative body, not a barrier to their implementation.
DATE: December 11, 2008
TO: Councilor-Elect Sloan
FROM: Ruth Post, City Recorder
RE: New Councilor Orientation Information

Important nuts and bolts information about your upcoming term in office:

Regular Council Meeting Date & Time: 2\textsuperscript{nd} & 4\textsuperscript{th} Monday of each month at 7:00 p.m.

Council Packet Submission Deadline: Thursday, 12:00 noon, prior to Monday’s meeting.

Council Packet Delivery: Thursday afternoon prior to Monday’s meeting.

Absence from Meetings: If you will be absent from a scheduled meeting, please contact as soon as possible (in this order, until you successfully make contact):
   - City Recorder Ruth Post – Work 929-6148; Home 929-4162
   - City Manager Randy Kugler – Work 929-6148; Home 929-2066
   - Mayor Ken Schaudt – Work 541-485-8383; Home 929-7131

Audio Taping at Meetings: Philomath City Council meetings are tape recorded. It is important to speak into the microphone at all times to ensure that the content of your statements are accurately reflected in the minutes.

Meeting Minutes: Meeting minutes are not a transcript of the meeting. They are intended to summarize and clearly state the action taken by the Council via motions, resolutions, and ordinances. Motions should be clearly and specifically stated for the benefit of the record and the audience.

Amending Meeting Minutes: If you believe meeting minutes on the Consent Agenda contain inaccuracies, you should take the following steps:
   1. Request the specific minutes be removed from the Consent Agenda
   2. Under “Items Removed From Consent Agenda”, state the location of the correction and state the specific words to be added or deleted. Be specific.
**Clarifying Meeting Minutes:** If you believe meeting minutes on the Consent Agenda are unclear and require clarification, you should take the following steps:

1. Request the specific minutes be removed from the Consent Agenda
2. Under “Items Removed From Consent Agenda”, make your clarifying statement for inclusion in the minutes of the current meeting.

**Robert’s Rules of Order:** If you would like a copy of Robert’s Rules of Order for your personal reference, please let me know as soon as possible.

**Website Information:** The City’s website is:  
www.ci.philomath.or.us  
Take the time to familiarize yourself with the City website so you can feel confident referring citizens to it for valuable information. The City website includes a minimum listing of each Councilor’s name, mailing address, home phone number, and city e-mail address. Notify me immediately if you want to use the City’s PO Box as your listed mailing address and/or if you want a work phone number listed.

**E-mail Accounts:** An e-mail account has been established for each member of the Council using last name first initial.  
Example: sloanr@ci.philomath.or.us  
This e-mail address will appear on the city website and will be provided to the public upon request. You should check this at least weekly. You will be provided with your user name and password. It can be accessed on-line via the city’s website using the instructions included in your New Councilor Orientation Packet.

To relieve you of records retention responsibilities, you should cc me on all city business correspondence at:  
ruth.post@ci.philomath.or.us

**Ordinance Books:** The City’s Municipal Code is on our website. Please let me know if you wish to receive a hard copy.

**Requests for Information:** Councilors are provided, free of charge up to a reasonable maximum, copies of city documents that enable you in decision making. Copies of cassette tapes are provided at no charge as long as councilors periodically return old tapes and requests do not become routine.

**Close of Term:** If you will not be continuing as a member of the Philomath City Council at the end of your two-year term, you will be expected to return your Ordinance Book and any other City-provided documents such as Master Plans. Any documents that you elect to keep should be reviewed with me to determine if the City needs them for public records inventory.
COMMITTEE MEMBERSHIP
and
RESPONSIBILITIES

The City of Philomath has various committees, commissions and boards, both permanent (standing) and temporary (special) on which citizens serve. Positions on these bodies are appointive.

Applications for appointed positions are available at City Hall in the City Manager’s office and should be completed and returned in the same office. The majority of appointments are made in January and February of each year.

COMMISSION, COMMITTEE OR BOARD - What Are They?

1. **Standing Committees:** These are subcommittees of the City Council whose memberships are composed entirely of members of the City Council, i.e., Finance and Administration, Public Works, Ordinance, and Police.

2. **Citizen Advisory Committees:** These organizations are composed of citizens at large with city councilors assigned as representatives. They come in three different categories:
   - **Commissions:** These groups are established by the Council in formal, written ordinances and have specific powers granted to them so they may perform various acts or duties, i.e., Planning Commission and Transportation/Traffic Safety Commission. Members are appointed to the commissions by the Council or the Mayor as specified in the enabling ordinance.
   - **Boards:** These groups are appointed by the Council and given managerial, supervisory, or investigative powers. The City currently has no permanent boards, but from time to time temporary boards are appointed, carry out their charge, and automatically disband, i.e., Accident Review Board.
• **Special Committees**: These are temporary, ad hoc committees appointed by a majority of the Council for some specific task or a certain time. Upon completion of that time or project, the Committee is disbanded, i.e., Police Facility Committee.

**What Do Standing Committees Do?**

Standing Committees are actually subcommittees of the Council, existing to review matters requiring Council action and then to recommend action the Council should take. The smaller, less structured format of a committee makes it the place where ideas can be brainstormed and detailed analysis performed. Action can then be proposed to the Council with concise arguments pro and con and the committee will be better able to answer questions that may arise. A formal Council meeting is not a suitable setting for long, in-depth discussion. Council should have confidence in its standing committees to thoroughly research a matter and work out the fine points before presenting it. Normally, three councilors serve on each committee with a City department head as a staff resource person.

The Council is the policy setting portion of City government, with oversight of staff operations. These subcommittees are well able to observe and report on departmental programs, in putting Council policy into effect.

Each committee appoints a vice-chairperson to keep minutes of the meetings. These meetings are official deliberations of the elected officials and the City Recorder is charged with keeping files of the minutes of each meeting.

The chairperson or vice-chairperson of the committee reports the activity of the committee to the Council, as needed, either verbally or in writing.
What Are the Roles of Each Committee?

**Finance and Administration Committee:** As a subcommittee of the Council, the Finance and Administration Committee supports the policy-making functions of the Council by acquiring in-depth understanding of the workings of the Finance and Administrative departments of the City. The committee assesses whether the departments are successfully implementing the policies set by the Council and proposes new policies to the Council.

The committee meets with the City Manager and/or Finance Director on an as needed basis to discuss proposed acquisitions, general administration issues and budget issues.

**Ordinance Committee:** The committee meets on an as needed basis with the City Attorney and/or City Manager to prepare proposed ordinances and resolutions as directed by the Council. All city ordinances originate in this committee. When the Council “ordains”, the result is a law governing the lives and conduct of its citizens.

**Police Committee:** This committee meets as needed with the Chief of Police.

The Police Chief usually reviews major proposed police department acquisitions, personnel matters, budget matters, and department goals and objectives with the Police Committee prior to implementation or prior to bringing those matters before the entire Council.

Police Committee members may bring their concerns about traffic safety or enforcement of state laws and city ordinances to the attention of the Chief of Police. Such input may be converted by staff into recommendations for new or revised ordinances or changes in department policy. Members have no authority to dictate law enforcement policy to the Police Chief or any member of the Police Department.
Public Works Committee: This committee meets monthly with the Public Works Director. Responsibilities of the Public Works Committee consist of (but are not limited to) the following: identifying and prioritizing projects related to the operation and maintenance of buildings and grounds, streets and parks, and water and sewer; aiding in the development of capital improvement plans for the above divisions; identifying funding sources for eligible projects; recommending responses to resolving citizen complaints, suggestions, etc.; reporting findings and recommendations to the City Council; and reviewing and recommending proposals from the Public Works Director. The Public Works Committee also serves as the City’s Tree Advisory Board.

What Do Citizen Advisory Committees Do?

These committees serve any number of purposes. First, and perhaps foremost, they provide the city councilors with access to interested, knowledgeable citizens. On the other hand, it provides interested, knowledgeable citizens with access to the City Council. Another very important purpose in a town our size is that these committees tend to serve as an extension of the city staff, frequently working diligently for long hours doing things that, in a larger city, would be staff work. Also important is their function in bringing additional brainpower to bear on difficult problems and situations that arise.

What Are the Roles of Each Committee?

Budget Committee: Membership is composed of the seven-member city council and seven citizens-at-large. The citizen members are appointed for three-year terms by the City Council. Requirements for the Budget Committee are contained in Oregon Revised Statutes (ORS) Chapter 294.

The Budget Committee is responsible for reviewing and acting upon all budget documents. The City’s budget and supplemental budget set out the fiscal operation of the city. After the City staff has compiled the proposed budget, the Budget Committee studies the document. Committee members propose and vote on additions or deletions to the budget, as they deem appropriate. After this committee agrees on a complete budget, it is submitted to the City Council for review and
adoption in June. The committee meets on an “as needed” basis, usually two to three times from March to June of each year.

**Planning Commission:** The Commission consists of seven members. Not more than two may be non-residents of the City; however they must reside within the Urban Growth Boundary. In addition, not more than two may engage in the buying, selling or developing of real estate for profit as individuals or with a corporation. The term of membership is four years. The City Council may appoint one of its members as an ex-officio representative. Requirements for the Planning Commission are found in ORS 227 and local ordinances.

The Commission reviews and recommends changes to the City’s Comprehensive Plan, Zoning Ordinance, and other policies and ordinances dealing with long-range land use and development. The Commission considers requests for zoning amendments, zoning variances, and conditional use permits. The Commission submits recommendations to the City Council for final action on most zoning-related matters. Meetings are normally held each month.